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LAWS

CONCERNING THE

ELECTION

OF

MEMBERS

OF

PARLIAMENT;

WITH THE

DETERMINATIONS

OF THE

HOUSE OF COMMONS

THEREON,

AND ALL THEIR INCIDENTS;

CONTINUED DOWN TO THE PRESENT TIME.

THE WHOLE

DIGESTED UNDER PROPER TITLES;

ALSO AN

APPENDIX OF PRECEDENTS,

WITH

A TABLE OF THE PRINCIPAL MATTERS.

BY A GENTLEMAN OF THE INNER-TEMPLE.

LONDON:

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PREFACE.

"BECAUSE the true and ancient Institution of Parliament, do require the lower House, at this Time, if ever, to be compounded of the gravest, ablest, and worthiest Members that may be found: We do hereby, (said King *James* the First, in a Proclamation for a Parliament) out of the Care of the common Good, wherein themselves are participant, without all Prejudice to the Freedom of Elections, admonish all our loving Subjects, that have Votes in the Election of Knights and Burgesses, of these few Points following.

"That they cast their Eyes upon the worthiest Men of all Sorts, Knights and Gentlemen, that are Lights and Guides in their Countries, experienced Parliament Men, wise and discreet Statesmen, that have been practised in public Affairs, whether at Home or Abroad, grave and eminent Lawyers, substan-

tial Citizens and Burgeſſes, and generally ſuch as are intereſted and have Portion in the Eſtate.

"Secondly, That they make Choice of ſuch as are well affected in Religion, without declining either on the one Hand to Blindneſs and Superſtition, or on the other Hand to Sciſm or turbulent Diſpoſition.

"Thirdly, and Laſtly, That they be truly ſenſible, not to diſvalue or diſparage the Houſe with Bankrupts and neceſſitous Perſons, that may deſire long Parliaments only for Protection; Lawyers of mean Account and Eſtimation; young men that are not ripe for grave Conſultations; mean Dependants upon great Perſons, that may be thought to have their Voices under Command, and ſuch like obſcure and inferior Perſons: ſo that, to conclude, we may have the Comfort to ſee before us the very Face of a ſufficient and well compoſed Houſe, ſuch as may be worthy to be a Repreſentative of a third Eſtate of our Kingdom, fit to nouriſh a loving and comfortable Meeting between Us and our People, and fit to be a noble Inſtrument, under the Bleſſing of Almighty *God*, and our princely Care and Power, and with the loving Conjunction of our Prelates and Peers, for the ſettling ſo great Affairs," as the proper Objects of Parliament. See Lord *Bacon*'s Works, 3 Vol. Qto. 387, 388.

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OF

PARLIAMENT, CITED.

5 *R.* 2. *ſt.* 2. *c.* 4. EVERY one to whom it belongeth, ſhall, upon Summons, come to the Parliament.

7 *H.* 4. *ch.* 15. The Manner of the Election of Knights of Shires for a Parliament.

1 *H.* 5. *ch.* 1. What Sort of People ſhall be choſen, and who ſhall be Chooſers of the Knights and Burgeſſes of the Parliament.

8 *H.* 6. *ch.* 7. What Sort of Men ſhall be Chooſers; and who ſhall be choſen Knights of the Parliament.

10 *H.* 6. *ch.* 2. Certain Things required in him who ſhall be a Chooſer of the Knights of Parliament.

23 *H.* 6. *ch.* 14. Who ſhall be Knights for the Parliament. The Manner of their Election. The Remedy where one is choſen and another returned.

34 & 35 *H.* 8. *ch.* 13. An Act for making of Knights and Burgeſſes within the County and City of *Cheſter*.

35 *H.* 8. *ch.* 11. The Bill for Knights and Burgeſſes in *Wales*, concerning the Payment of their Fees and Wages.

5 *Eliz.* *c.* 9. An Act for Puniſhment of ſuch as ſhall procure or commit any wilful Perjury.

29 *Eliz.* *c.* 5. An Act for the Continuance and perfecting of divers Statutes.

21 *Jac.* *c.* 28. An Act for continuing and reviving of divers Statutes, and Repeal of divers others.

25 *C.* 2. *ch.* 9. An Act to enable the County Palatine of *Durham*, to ſend Knights and Burgeſſes to ſerve in Parliament.

30 *C.* 2. *ſt.* 2. *c.* 1. An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament.

1 *W* & *M.* *c.* 1. An Act for removing and preventing all Queſtions and Diſputes con-

concerning the Aſſembling and ſitting of this preſent Parliament.

1 *W. & M. ſt.* 1. *ch.* 8. An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths.

1 *W. & M. c.* 18. An Act for exempting their Majeſties Proteſtant Subjects, diſſenting from the Church of *England*, from the Penalties of certain Laws.

1 *W. & M. Seſſ.* 2. *ch.* 2. An Act declaring the Rights and Liberties of the Subject, and ſettling the Suceſſion of the Crown.

2 *W. & M. ſt.* 1. *ch.* 7. An Act to declare the Right and Freedom of Election of Members to ſerve in Parliament for the *Cinque-Ports*.

5 *W. & M. c.* 7. An Act for granting to their Majeſties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of ten hundred thouſand Pounds towards carrying on the War againſt *France*.

5 *W. & M. c.* 20. An Act for granting to their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; for ſecuring certain

tain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of fifteen hundred thouſand Pounds towards carrying on the War againſt *France*.

7 W. 3. ch. 4. An Act for peventing Charge and Expence in Elections of Members to ſerve in Parliament.

7 W. 3. ch. 7. An Act to prevent falſe and double Returns of Members to ſerve in Parliament.

7 & W. 3. c. 25. An Act for the further regulating Elections of Members to ſerve in Parliament; and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning ſuch Members.

7 & 8 W. 3. c. 27. ſect. 19. An Act for the better Security of his Majeſty's Royal Perſon and Government.

10 & 11 W. 3. ch. 7. An Act for preventing irregular Proceedings of Sheriffs and other Officers, in making the Returns of Members choſen to ſerve in Parliamement.

11 & 12 W. 3. ch. 2. An Act for granting an Aid to his Majeſty by Sale of the forfeited, and other Eſtates and Intereſts in *Ireland*; and by a Land-Tax in *England*,

England, for the ſeveral Purpoſes therein mentioned.

12 & 13 *W.* 3. *ch.* 2. An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subjects.

12 & 13 *W.* 3. *ch.* 10. An Act for granting an Aid to his Majeſty, for defraying the Expence of his Navy, Guards and Garriſons for one Year, and for other neceſſary Occaſions.

13 *W.* 3. *ch.* 6. An Act for the further Security of his Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and ſecret Abettors.

1 *Ann, ſt.* 1. *c.* 22. An Act to declare the Alterations in the Oath appointed to be taken by the Act, intituled, " An Act for the further Security of his Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and ſecret Abettors, and for declaring the Aſſociation to be determined.

2 & 3 *Ann ch.* 4. An Act for the public Regiſtring of all Deeds, Conveyances and Wills that ſhall be made of any

any Honours, Manors, Lands, Tenements or Hereditaments within the *West-Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thousand seven hundred and four.

4 & 5 *Ann*, *ch*. 8. An Act for the Union of the two Kingdoms of *England* and *Scotland*.

6 *Ann*, *ch*. 6. An Act for rendering the Union of the two Kingdoms more entire and complete.

6 *Ann*, *ch*. 7. An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of *Great Britain* in the Protestant Line.

6 *Ann*, *ch*. 23. An Act to make further Provision for electing and summoning sixteen Peers of *Scotland*, to sit in the House of Peers in the Parliament of *Great Britain*, and for trying Peers for Offences committed in *Scotland*, and for the further regulating of Elections of Members to serve in Parliament.

6 *Ann*, *ch*. 35. An Act for the public Registring of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the *East Riding* of the County

ty of *York*, or the Town and County of the Town of *Kingſton* upon *Hull*, after the nine and twentieth Day of *September*, One thouſand ſeven hundred and eight; and for the rendering the Regiſter in the *Weſt Riding*, more complete.

7 *Ann*, *ch.* 20. An Act for the public Regiſtring of Deeds, Conveyances, and Wills, and other Incumbrances which ſhall be made of, or that may effect any Honors, Manors, Lands, Tenements, or Hereditaments, within the County of *Middleſex*, after the twenty-ninth Day of *September*, One thouſand ſeven hundred and nine.

9 *Ann*, *ch.* 5. An Act for ſecuring the Freedom of Parliaments by the further qualifying the Members to ſit in the Houſe of Commons.

10 *Ann*, *c.* 19. An Act for laying ſeveral Duties upon all Sope and Paper made in *Great Britain*, or imported into the ſame; and upon chequered and ſtriped Linnens imported; and upon certain Silks, Callicoes, Linnens and Stuffs, printed, painted, or ſtained; and upon ſeveral Kinds of ſtamped Vellum, Parchment and Paper; and upon certain printed Papers, Pamphlets, and Advertiſements; for raiſing the Sum of Eighteen hundred thouſand

thouſand Pounds, by way of Lottery towards her Majeſty's Supply; and for Licenſing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better ſecuring her Majeſty's Duties to ariſe in the Office, for Stamp-Duties by Licences for Marriages, and otherwiſe; and for Relief of Perſons who have not claimed their Lottery Tickets in due Time, or have loſt Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the South Sea Company) for the Uſe of the Public.

10 *Ann*, *ch.* 23. An Act for the more effectual preventing fraudulent Conveyances in order to multiply Votes for electing Knights of Shires to ſerve in Parliament.

12 *Ann*, *ch.* 5. An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, intitled, "An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to ſerve in Parliament, as far as the ſame relates to the aſcertaining the Value of Freeholds of forty Shillings *per Annum*.

12 *Ann*, *Seſſ.* 1. *ch.* 6. An Act for the better regulating the Elections of Members to ſerve in

in Parliament for that Part of *Great Britain* called *Scotland.*

12 *An. ſt.* 1. *c.* 15. An Act for making perpetual an Act made in the ſeventh Year of the Reign of the late King *William*, intituled, "An Act to prevent falſe and double Returns of Members to ſerve in Parliament."

1 *Geo. ſt.* 2. *c.* 4. An Act to explain the Act made in the twelfth Year of the Reign of King *William* the Third, intitled, "An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject."

1 *Geo. ſt.* 2. *c.* 13. An Act for further Security of his Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and his open and ſecret Abettors.

3 *Geo. c.* 8. An Act for redeeming ſeveral Funds of the Governor and Company of the Bank of *England*, purſuant to former Proviſoes of Redemption; and for ſecuring to them ſeveral new Funds and Allowances redeemable by Parliament; and for obliging them to advance further Sums not exceeding two millions five hundred thouſand Pounds, at five Pounds

per

per Centum, as ſhall be found neceſſary to be employed in leſſening the national Debts and Incumbrances; and for continuing certain Proviſions formerly made for the Expences of his Majeſty's civil Government, and for Payment of Annuities formerly purchaſed at the Rate of five Pounds *per Centum*; and for other Purpoſes in this Act mentioned.

3 *Geo. c.* 9. An Act for redeeming the yearly Fund of the *South Sea Company* (being after the Rate of ſix Pounds *per Centum*, *per Annum)* and ſettling on the ſaid Company a yearly Fund, after the Rate of five Pounds *per Centum*, *per Annum*, redeemable by Parliament; and to raiſe for an Annuity or Annuities at five Pounds *per Centum*, *per Annum*, any Sum not exceeding two Millions, to be employed in leſſening the national Debts and Incumbrances; and for making the ſaid new yearly Fund and Annuities to be hereafter redeemable in the Time and Manner thereby preſcribed.

6 *Geo. c.* 18. An Act for better ſecuring certain Powers and Privileges intended to be granted by his Majeſty, by two Charters for Aſſurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for reſtraining ſeveral extravagant

travagant and unwarrantable Practices therein mentioned.

1 *Geo.* 2. *ch.* 56. An Act to disable any Person from being chosen a Member of, or from sitting and voting in the House of Commons, who has any Pension for any Number of Years from the Crown.

11 *Geo.* 1. *c.* 18. An Act for regulating Elections within the City of *London*; and for preserving the Peace, good Order, and Government of the said City.

2 *Geo.* 2. *ch.* 24. An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.

2 *Geo.* 2. *c.* 25. An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subordination of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.

7 *Geo.* 2. *c.* 16. An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of *Great Britain* called *Scotland*; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of *Exchequer* in *Scotland*, to be elected, or to sit or vote as

Members of the Houſe of Commons.

8 *Geo.* 2. *ch.* 6. An Act for the public Regiſtring of all Deeds, Conveyances, and Wills, and other Incumbrances, that ſhall be made of, or that may affect, any Honors, Manors, Lands, Tenements or Hereditaments, within the *North Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thouſand ſeven hundred and thirty-ſix.

8 *Geo.* 2. *ch.* 30. An Act for regulating the Quartering of Soldiers during the Time of Elections of Members to ſerve in Parliament.

9 *Geo.* 2. *ch.* 18. An Act for reviving and continuing the Acts therein mentioned, and for explaining and amending a Clauſe in an Act made in the firſt Year of the Reign of his late Majeſty King *George* the Firſt, intitled, "An Act for making the Laws for repairing the Highways more effectual, relating to the appointing Scavengers in Cities and Market Towns, and the Ordering the Aſſeſſments for the repairing and cleanſing the Streets therein."

9 *Geo.* 2. *ch.* 38. An Act to explain and amend ſo much of an Act made in the ſecond Year of his preſent Majeſty's Reign, intitled, "An Act for the more effectual preventing Bribery and

and Corruption in the Election of Members to serve in Parliament," as relates to the commencing and carrying on of Prosecutions grounded upon the said Act.

13 *Geo.* 2. *c.* 7. An Act for naturalizing such Foreign Protestants, and others therein mentioned, as are settled or shall settle, in any of his Majesty's Colonies in *America.*

13 *Geo.* 2. *c.* 22. An Act for the more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders in the Election of Members to serve in Parliament for such Cities and Towns as are Counties of themselves in that Part of *Great Britain* called *England.*

15 *Geo.* 2. *c.* 20. An Act to exclude certain Officers from being Members of the House of Commons.

16 *Geo.* 2. *c.* 11. An Act to explain and amend the Laws touching the Election of Members to serve for the Commons in Parliament, for that Part of *Great Britain* called *Scotland*; and to restrain the Partiality, and regulate the Conduct of returning Officers at such Elections.

18 *Geo.* 2. *c.* 18. An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in

Parliament for that Part of *Great Britain* called *England*.

19 *Geo.* 2. *c.* 28. An Act for the better regulating of Elections of Members to ſerve in Parliament for ſuch Cities and Towns in that Part of *Great Britain* called *England*, as are Counties of themſelves.

20 *Geo.* 2. *c.* 44. An Act to extend the Proviſions of an Act made in the thirteenth Year of his preſent Majeſty's Reign, intitled, " An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle in any of his Majeſty's Colonies in *America*, to other Foreign Proteſtants who conſcientiouſly ſcruple the taking of an Oath.

22 *Geo.* 2. *c.* 44. An Act to enable ſuch Officers, Mariners, and Soldiers, as have been in his Majeſty's Service ſince his Acceſſion to the Throne, to exerciſe Trades.

31 *Geo.* 2. *c.* 14. An Act for further explaining the Laws touching the Electors of Knights of the Shire to ſerve in Parliament for that Part of *Great Britain* called *England*.

33 *Geo.* 2. *c.* 20 An Act to enforce and render more effectual the Laws relating to the Qualification of Members to ſit the Houſe of Commons.

2 *Geo.* 3. *c.* 25. An Act for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve for the Time therein mentioned, as Officers or Soldiers in his Majeſty's Royal *American* Regiment, or as Engineers in *America.*

3 *Geo.* 3. *c.* 15. An Act to prevent occaſional Freemen from voting at Elections of Members to ſerve in Parliament for Cities and Boroughs.

3 *Geo.* 3. *c.* 24. An Act to prevent fraudulent and occaſional Votes in the Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themſelves, ſo far as relates to the Right of voting, by Virtue of an Annuity or Rent-Charge.

ADVERTISEMENT.

THE Editor thinks it incumbent on him to inform the Public that they will find "Lord *Lyttleton*'s Hiſtory of the Life of King *Henry* the Second," "*L. C.* Baron *Comyns*'s Digeſt of the Laws of *England*;" "Doctor *Blackſtone*'s Commentaries on the Laws of *England*;" "*Whitelocke*'s Notes upon the King's Writ for chooſing Members of Parliament, by Doctor *Morton*," largely quoted in this Work.

ERRATA.

Page	Line	for	read
2	in Notes	*Mor. Whitel.* &c.	2 *Mor. Whitel.* &c.
14	25	*dele*, " and of Bribery and Corruption"	
20	30	Cudody	Custody
200	15	*dele* " The Oaths for this last Head are to be found under Title *Bribery*; the Rest are as follow, except for *London* and *Scotland*, which see," and insert " See Appendix."	

L A W S, &c.

THE Commons make the third Eſtate of Parliament, and conſiſt of Knights of Shires, Citizens and Burgeſſes; and all ought to be elected by Writ, *ex Debito Juſtitiæ*; and they repreſent all the Commons of the Realm, 4 *Inſt.* 1.

The * Beginning of their Attendance in Parliament ſeems to have been ſince the fortieth Year of *Hen.* 3. and the firſt Writ for their Election, 49 *Hen.* 3. *Cot. abr. Præf.* 11, 12, 13. *b.*

In the Election of Knights, Citizens and Burgeſſes to ſerve in Parliament conſiſts the Exerciſe of the democratical Part of our Conſtitution: for in a Democracy there can be no Exerciſe of Sovereignty but by Suffrage, which is the Declaration of the People's Will. In all Democracies there-

* One great Point, which a modern noble Hiſtorian, and the moſt able by far that *England* ever produced, hath demonſtrated that the Origin of the Houſe of Commons, particularly the Right of the Boroughs to ſend Members to Parliament, is of a much earlier Date than 49 *Hen.* 3. the Period aſſigned by moſt other Hiſtorians: He aſſerts and proves, that this Right, and the Exerciſe of it, is as ancient as the firſt Introduction of the *Anglo Saxon* Government into this Iſland: that it was brought over by the *Saxons*, from *Germany*, where it had been enjoyed by that free People from Time immemorial; and that it prevailed in *England*, during all the Reigns of the *Saxon* Kings, and was never aboliſhed even under thoſe of the *Normans*. See Lord *Lyttleton*'s Hiſtory of the Life of *Hen.* 2. Vol. 2. p. 273 to 286. Vol. 3. p. 62 to 114.

fore it is of the utmoſt Importance to regulate by whom, and in what Manner, the Suffrages * are to be given. In *England*, where the People do not debate in a collective Body, but by Repreſentation; the Exerciſe of this Sovereignty conſiſts in the Choice of Repreſentatives. The Laws † have therefore very ſtrictly guarded againſt Uſurpation or Abuſe of this Power, by many ſalutary Proviſions, which may be reduced to theſe three Points.

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *The Manner of and Proceedings at Elections.*

Theſe we ſhall conſider as they affect,

I. ENGLAND; II. SCOTLAND; III. WALES.

I. ENGLAND.

Previous to our general Inquiry, we will mention the few Particulars concerning

1. *Cheſter*; 2. *Durham.*

1. *Cheſter.*

By Stat. 34 & 35 *Hen.* 8. *c.* 13. *ſect.* 1. "The County Palatine of *Cheſter*, ſhall have two Knights, and likewiſe two Citizens to be Burgeſſes for the City of *Cheſter*, to be choſen by Proceſs, to be awarded by the Chancellor of *England*, unto the Chamberlain of *Cheſter*, his Lieutenant or Deputy;

* The *Athenians* were ſo juſtly jealous of this Prerogative, that a Stranger who interfered in the Aſſemblies of the People, was puniſhed by their Laws with Death; becauſe ſuch a Man was eſteemed guilty of High Treaſon, by uſurping thoſe Rights of Sovereignty, to which he had no Title. *Black. Com.* 165.

† *Mar. Whitel. on Govern. chap.* 77. *fol.* 97, 98.

and

and like Proceſs to be made by the Chamberlain, *&c.* to the Sheriff of *Cheſter*; the Election to be made under like Form as is uſed within the County Palatine of *Lancaſter*, or any other County and City where ſhall be Knights and Burgeſſes of Parliament." See Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 12.

By Stat. 10 *Ann c.* 23. *ſect.* 7. "The Sheriff of the County Palatine of *Cheſter*, againſt every Election of Knights of the Shire, ſhall cauſe ſeven Tables, and no more, to be made at the Coſts of the Candidates, within the Shire Hall of the County, for taking the Poll, *viz.* Two at the upper End, Two at each Side, and One at the lower End of the Hall."

2. *Durham.*

By Stat. 25 *Car.* 2. *c.* 9. "The County Palatine of *Durham* may have two Knights for the County, and the City of *Durham* two Citizens to be Burgeſſes for the ſame City, to ſerve in Parliament, to be elected by Writ awarded to the Lord Biſhop of *Durham*, or his Chancellor of the County, and Precept thereupon by the Lord Biſhop, or his temporal Chancellor, to the Sheriff; the Elections of the Knights to be made by the greater Number of Freeholders, as in other Counties, and the Election of Burgeſſes for the City of *Durham*, to be made by the major Part of the Mayor, Aldermen, and Freemen, which Knights and Burgeſſes ſhall be returned by the Sheriff, into the Chancery, upon the like Pains as the Sheriffs of any other County." See Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 12.

1. *The Qualifications of the Electors.*

The Reaſon of requiring any Qualification, with regard to Property, in Voters, is to exclude ſuch Perſons as are in ſo mean a Situation that they are

eſteemed to have no Will of their own. If theſe Perſons had Votes, they would be tempted to diſpoſe of them under ſome undue Influence or other. This would give a great, an artful, or a wealthy Man, a larger Share in Elections than is conſiſtent with general Liberty. If it were probable that every Man would give his Vote freely, and without Influence of any Kind, then, upon the true Theory and genuine Principles of Liberty, every Member of the Community, however poor, ſhould have a Vote in electing thoſe Delegates, to whoſe Charge is committed the Diſpoſal of his Property, and his Life. But, ſince that can hardly be expected in Perſons of indigent Fortunes, or ſuch as are under the immediate Dominion of others, all popular Eſtates have been obliged to eſtabliſh certain Qualifications; whereby ſome, who are ſuſpected to have no Will of their own, are excluded from voting, in order to ſet other Individuals, whoſe Wills may be ſuppoſed independent, more thoroughly upon a Level with each other.

And this Conſtitution of Suffrages is framed upon a wiſer Principle than either of the Methods of voting, by Centuries, or by Tribes, among the *Romans*. In the Method by Centuries, inſtituted by *Servius Tullius*, it was principally Property, and not Numbers that turned the Scale: In the Method by Tribes, gradually introduced by the Tribunes of the People, Numbers only were regarded, and Property entirely overlooked. Hence the Laws paſſed by the former Method had uſually too great a tendency to aggrandize the Patricians or rich Nobles; and thoſe by the latter had too much of a levelling Principle. Our Conſtitution ſteers between the two Extremes. Only ſuch are entirely excluded, as can have no Will of their own: there is hardly a free Agent to be found, but what is entitled to a Vote in ſome Place or other in the Kingdom. Nor is comparative Wealth, or Pro-

perty entirely disregarded in Elections; for though the richest Man hath only one Vote at one Place, yet if his Property be at all diffused, he has probably a Right to vote at more Places than one, and therefore has many Representatives. This is the Spirit of our Constitution: not that I assert it is in fact quite so perfect as I have here endeavoured to describe it; for, if any Alteration might be wished or suggested in the present Frame of Parliaments, it should be in Favour of a more complete* Representation of the People. *Black. Com.* 164, 165, 166.

As the Right and Qualifications of the Electors depend, for the most Part, on several Acts of Parliament, it will be necessary to point out those Statutes as the surest Rule to direct us in our Inquiries herein: These Qualifications are to be considered as they regard,

1. *Knights of the Shire in particular*;
2. *Citizens and Burgesses in particular*;
3. *As they regard both Knights of Shires, Citizens and Burgesses.*

1. *Knights of the Shire in particular.*

By Stat. 8 *Hen.* 6. *c.* 7. 10 *Hen.* 6. *c.* 2. "The † Knights of the Shires shall be chosen by People

* In many Cases, Multitudes are bound by Act of Parliament, who are not Parties to the Election of Knights, Citizens, and Burgesses; as all they who have no Freehold, or have Freehold in ancient Demesne; and all Women having Freehold or no Freehold, and Men within the Age of twenty one Years, *&c.* 4 *Inst.* 4, 5.

† The Knights of the Shires are the Representatives of the Landholders, or landed Interest of the Kingdom: their Electors must therefore have Estates in Lands or Tenements within the County represented: these Estates must be Freehold, that is for Term of *Life* at least; because beneficial Leases for long Terms

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dwelling * in the ſame Counties, whereof every one ſhall have free Land or Tenements to the Value of † forty Shillings by the Year. And ſuch as have the greateſt Number of them that may expend forty Shillings by the Year, ſhall be returned

of Years were not in uſe at the making of Stat. 8 *Hen.* 6. *c.* 7. or Stat. 10 *Hen.* 6. *c.* 2. and Copyholders were then little better than Villains abſolutely dependant upon their Lord. *Black. Com.* 166.

* Stat. 1 *Hen.* 5. *c.* 1. *ſect.* 1. But this is entirely diſregarded. *Black. Com.* 169.

† This Freehold muſt be of forty Shillings annual Value: becauſe that Sum would then with proper Induſtry furniſh all the Neceſſaries of Life, and render the Freeholder, if he pleaſed, an independant Man. For Biſhop *Fleetwood* in his *Chronicon pretioſum*, written about ſixty Years ſince, has fully proved forty Shillings in the Reign of *Hen.* 6. to have been equal to twelve Pounds *per Annum*, in the Reign of Queen *Anne*, and as the Value of Money is very conſiderably lowered ſince the Biſhop wrote, it may be fairly concluded from this and other Circumſtances, that what was equivalent to twelve in his Days, is equivalent to twenty Pounds at preſent. *Black. Com.* 167. The Freeholders of the County, who can diſpend forty Shillings yearly, do give full and ſufficient Power to the Knights elected by them to ſerve in Parliament for themſelves, and for the Commonalty of the ſaid County. To this ſome have objected; why ſhould the Freeholders who have forty Shillings *per Annum*, bind all the reſt of the Inhabitants of the County, who are as much the Commonalty of the County as thoſe Freeholders are; and their Lives, Liberties and Eſtates as much ſubject to the Power and Acts of thoſe Knights, as the Freeholders who chooſe them; and therefore in Equity and Reaſon, all the reſt of the Commons of the County, as well as the Freeholders of forty Shillings *per Annum*, ought to have their Votes in the Election, and impowering of theſe Knights of the Shire, who repreſent and act for them? To this may be anſwered, before the Statute made in *Hen.* 6. time, which reſtrains the Electors to Freeholders of forty Shillings *per Annum*, all the Inhabitants, or at leaſt all the Freeholders of the County, had Votes in the Election; and they, according to Cuſtom and Law, choſe only two Perſons to repreſent them in Parliament, and gave them full Power; who, with the reſt of the Members ſo impowered, made a Law reciting, "that by Reaſon of the outragious, and exceſſive Number of Electors, Manſlaughters, Riots, Batteries, and Diviſions did ariſe; to prevent which it was enacted, that none

by the Sheriffs, by Indentures * ſealed betwixt the Sheriffs and the Chooſers: And every Sheriff ſhall have Power to examine upon the Evangeliſts every Chooſer, how much he may expend by the Year. And if any Sheriff return Knights, contrary to the ſaid Ordinance, the Juſtices of Aſſizes ſhall have Power to inquire; and if by Inqueſt the ſame be found before the Juſtices, and the Sheriff be duly attainted, the Sheriff ſhall incur the Pain of One hundred Pounds, and alſo have Impriſonment by a Year, provided that he that may not expend forty Shillings by the Year, ſhall in no wiſe be Chooſer of the Knights of Parliament; and in every Writ to chooſe Knights for the Parliament, Mention ſhall be made of the ſaid Ordinances."

By Stat. 10 *Ann c.* 23. *ſect.* 1. "Every Perſon who ſhall make any Conveyance in any fraudent Manner, on purpoſe to qualify to give a Vote at the Elections of Knights of the Shire, ſee 18 *Geo.* 2. *c.* 18. *ſect.* 5. 19 *Geo.* 2. *c.* 28. *ſect.* 4.) or being privy to ſuch Purpoſes, ſhall prepare the ſame; and every Perſon who by Colour thereof, ſhall give any Vote at any Election of Knights of a Shire, ſhall forfeit forty Pounds to any Perſon who ſhall ſue for the ſame; to be recovered with Coſts, in any of her Majeſty's Courts at *Weſtminſter*."

By *Sect.* 2. "No Perſon ſhall † vote for any Knight of a Shire within *England*, in Right of Lands, without ‡ having been in the actual Poſſeſ-

none ſhould be Electors, but ſuch Freeholders as could expend forty Shillings *per Annum*." So this was by a Law, wherein their own Conſent was involved; and hath ſo continued for two hundred and thirty Years. And it was dangerous to change ſettled Laws made for good Order, and to prevent Miſchief. 2 *Mor. Whitel. on Govern. chap.* 77. *fol.* 90.

* For the Form of theſe Indentures, ſee Appendix, N°. XVI.

† Or vote more than once. Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 5. 19 *Geo.* 2. *c.* 28. *ſect.* 4. See id. *ſect.* 13. and *p.* 8, 9.

‡ Stat, 18 *Geo.* 2. *c.* 18. *ſect.* 5.

ſion of them, or for which ſuch Perſon ſhall have received the Rents or Profits, or be intitled to have received the ſame, to the Value of forty Shillings to his own Uſe for one Year, before ſuch Election; unleſs ſuch Lands came to ſuch Perſons within the Time aforeſaid, by Deſcent, Marriage, Marriage Settlement, Deviſe, or Preſentation to ſome Benefice in a Church, or by Promotion to ſome Office. And if any Perſon ſhall vote in ſuch Election, contrary to the Meaning hereof, he ſhall forfeit * forty Pounds, one Moiety to the Poor of the Pariſh or Pariſhes where the Lands lie, and the other Moiety to the Perſon who ſhall ſue for the ſame in any of her Majeſty's Courts at *Weſtminſter*."

By Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 3. "No Perſon ſhall vote for the electing of a Knight of the Shire, to ſerve in Parliament in *England* and *Wales*, in Right of any Meſſuages, Lands, or Tenements, which have not been aſſeſſed towards ſome Aid granted to his Majeſty by a † Land-Tax, twelve Kalendar Months next before ſuch Election."

* To any Candidate for whom ſuch Vote ſhall not have been given, and who ſhall ſue for the ſame, to be recovered by him, his Executors or Adminiſtrators, by Action of Debt, wherein no Eſſoign, *&c.* ſhall be allowed; and in every ſuch Action the Proof ſhall lie on ſuch Perſon againſt whom the ſame is brought, unleſs the Fact whereon ſuch Action is grounded be the having polled more than once at the ſame Election, 18 *Geo.* 2. *c.* 18. *ſect.* 5. The ſame Proviſion is made by Stat. 19 *Geo.* 2. *c.* 28. *ſect.* 4. with reſpect to Perſons voting for a Member for any City or Town, being a County of itſelf in *England*, as is hereby made with reſpect to Perſons voting for Knights of a Shire. See 19 *Geo.* 2. *c.* 28. *ſect.* 13.

† Provided that this Act ſhall not reſtrain any Perſon from voting in Right of any Rents, or any Chambers in the Inns of Courts, or Inns of Chancery, or any Meſſuages or Seats belonging to any Officers, by reaſon that the ſame have not been uſually aſſeſſed to the Land-Tax; and that the acting Commiſſioners of the Land-Tax, or three of them, at their Meetings for the reſpective Diviſions, ſhall ſign and ſeal one other Duplicate of the Copies of the reſpective Aſſeſſments after all Appeals determined, and the ſame deliver to the Clerks

of

By *Sect.* 5. "No Person shall vote in any such Election, without having a Freehold Estate in the County for which he votes, of the yearly Value of forty Shillings, over and above all Rents and Charges * payable out of the same."

By Stat. 31 *Geo.* 2. *c.* 14. *sect.* 1. "No Person who holds his Estate by Copy of Court Roll, shall be intitled thereby to vote at the Election of any Knight of the Shire in *England* and *Wales*. And if any Person vote in any such Election contrary to the Intent hereof, every such Vote shall be void; and every Person so voting shall forfeit to any Candidate for whom such vote shall not have been given, and who shall first sue for the same, fifty Pounds, to be recovered by him, his Executors and Administrators, with Costs, by Action of Debt, in any Court of Record at *Westminster*, wherein no Essoign, &c. shall be allowed; and in every such Action the Proof shall lie on the Person against whom such Action shall be brought."

By *Sect.* 2. "It shall be sufficient for the Plantiff in any such Action of Debt, to set forth in the Declaration, that the Defendant is indebted to him in the Sum of fifty Pounds, and to alledge the Offence for which the Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Par-

of the Peace for their respective Counties, to be kept amongst the Records of the Sessions, to which all Persons may resort and inspect the same, paying Sixpence, and the said Clerks of the Peace or their Deputies, shall give Copies of the said Duplicates to any Person requiring the same, paying after the Rate of Sixpence for every three hundred Words. 18 *Geo.* 2. *c.* 18. *sect.* 4.

* No public or parliamentary Tax, County, Church, or Parish Rate, or any other Tax, to be assessed upon any County, or Division, shall be deemed any Charge, payable out of any Freehold Estate, within the Meaning of this Act. 18 *Geo.* 2. *c.* 18. *sect.* 6.

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liament, or the Return thereof: And upon Trial the Plaintiff ſhall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon any ſuch Writ of Summons."

By *Sect.* 3. "Provided, that every ſuch Action be commenced within nine Kalendar Months, next after the Fact upon which the ſame is grounded."

By *Sect.* 4. "All the Statutes of Jeofails ſhall extend to all Proceedings in any ſuch Actions."

By *Sect.* 5. "In Caſe the Plaintiff in ſuch Action diſcontinue or be nonſuited, or Judgment be given againſt him, the Defendant ſhall recover treble Coſts."

If a Man hath a Freehold in *ancient Demeſne*, he may elect. 4 *Com. Dig.* 287. *quere*, and ſee *p.* 5.

No Peer hath a Right to vote at Elections. 4 *Com. Dig.* 288.

If a Man, who hath a Right to vote for two, gives a ſingle Vote, he cannot afterwards give a ſecond Vote for another; reſolved in a Committee, but the Conſideration of it poſtponed by the Houſe. 4 *Com. Dig.* 288.

2. *The Qualifications of the Electors in Cities and Boroughs in particular.*

The Electors * of Citizens and Burgeſſes, are ſuppoſed to be the mercantile Part, or trading Intereſt of this Kingdom. But as Trade is of a fluctuating Nature, and ſeldom long fixed in a Place, it was formerly left to the Crown to ſummon,

* *Black. Com.* 168. By Stat. 23. *Hen.* 6. *c.* 14. *ſect.* 1. Citizens are to be choſen by Citizens of the ſame Cities, and Burgeſſes by Burgeſſes of the ſame Boroughs. *But this muſt be underſtood with a great Latitude of Conſtruction; for in ſome Places,* FREEDOM, *in ſome* FREEHOLDS, *in ſome,* INHABITANCY, *&c. (and theſe greatly diverſified) and in ſome, two or more of theſe, give a Right of Election;* CHARTER *or* PRESCRIPTION *may give the Right.*

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pro Re nata, the moſt flouriſhing Towns to ſend Repreſentatives to Parliament. So that as Towns encreaſed in Trade, and grew populous, they were admitted to a Share in the Legiſlature. But the Misfortune is, that the deſerted Boroughs continued to be ſummoned, as well as thoſe to whom their Trade and Inhabitants were transferred; except a few which petitioned to be eaſed of the Expence, then uſual, of maintaining their Members: Four Shilling a Day being allowed for a Knight of the Shire, and Two Shillings for a Citizen or Burgeſs; which was the Rate of Wages eſtabliſhed in the Reign of *Edward* III. Hence the Members for Boroughs now bear above a quadruple Proportion to thoſe for Counties; and the Number of Parliament Men is increaſed ſince *Forteſcue*'s Time, in the Reign of *Henry* the Sixth, from three Hundred to upwards of five Hundred, excluſive of thoſe for *Scotland*. The Univerſities, were in general, not impowered to ſend Burgeſſes to Parliament; though once, in 28 *Edw*. I. when a Parliament was ſummoned to conſider of the King's Right to *Scotland*; there were iſſued Writs, which required the Univerſity of *Oxford* to ſend up four or five, and that of *Cambridge* two or three, of their moſt diſcreet and learned Lawyers for that Purpoſe. But it was King *James* the Firſt, who indulged them with a permanent Privilege to ſend conſtantly two of their own Body; to ſerve for thoſe Students who, though uſeful Members of the Community, were neither concerned in the landed nor the trading intereſt; and to protect in the Legiſlature the Rights of the Republic of Letters. The Right and * Qualification of Voters in Cities, Towns, and Boroughs, is various, depending interely on the ſeveral Charters, Cuſtoms, and Conſtitutions of the reſpective Places, as have pre-

* *Bac. Abr.* 572.

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vailed in them Time immemorial, which has occasioned infinite Disputes; though now by Stat. 2 *Geo.* 2. *c.* 24. *sect.* 4. "Votes shall be deemed legal, which have been so declared by the last Determination in the House of Commons, which Determination concerning any City, Borough, or Place, shall be final to all Purposes." And further,

By Stat. 3 *Geo.* 3. *c.* 15. "No Person whatsoever claiming as a Freeman, to vote at any Election of Members to serve in Parliament for any City, Town, Port or Borough, in *England*, *Wales*, and the Town of *Berwick upon Tweed*, where such Voter's Right of Voting is as a Freeman only, shall be admitted to give his Vote at such Election, unless such Person shall have been admitted to the Freedom of such City, *&c.* twelve Kalendar Months before the first Day of such Election: And if any Person shall presume to give his Vote as a Freeman, at any Election of Members to serve in Parliament, contrary to the true Intent and Meaning of this Act; he shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to him, her, or them, who shall inform and sue for the same; and the Vote given by such Person, shall be void and of no Effect."

By *Sect.* 2. "Nothing herein contained shall extend, or be construed to extend to any Person intitled to his Freedom by Birth, Marriage, or Servitude, according to the Custom or Usage of such City, Town, Port or Borough."

By *Sect.* 3. "If any Mayor, Bailiff, Town Clerk, or other Officer of any Corporation, or other Person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any Admission of any Freeman, such Mayor, *&c.* shall for every such Offence, forfeit and pay the Sum of Five hundred Pounds to him, her, or them, who shall inform and sue for the same."

By *Sect.* 4. " The Mayor, *&c.* of any Corporation, having the Cuſtody of, or Power over the Records of the ſame, ſhall upon the Demand of any Candidate, or his Agent, or any two Freemen, on the Payment of one Shilling, permit ſuch Candidate, Agent or Freeman, between the Hours of Nine in the Morning, and Three in the Afternoon, at any Time before, and within one Month after any ſuch Election as aforeſaid, to inſpect the Books and Papers wherein the Admiſſion of Freemen ſhall be entered; and to have Copies or Minutes of the Admiſſion of ſo many Freemen as ſuch Candidate, Agent or Freeman ſhall think fit, upon payment to ſuch Mayor, *&c.* a reaſonable Charge for writing the ſame; and ſuch Books and Papers ſhall, if demanded by ſuch Candidate, *&c.* be produced by ſuch Mayor, *&c.* at every Election, and be referred to, in Caſe any Diſpute ſhall ariſe touching the Right of any Perſon to give his Vote thereat: And if ſuch Mayor, *&c.* ſhall refuſe, or deny ſuch Candidate, *&c.* the Inſpection of ſuch Books and Papers, or to have Copies or Minutes thereof, or ſhall refuſe or neglect to produce ſuch Books and Papers at any Election, if demanded, and paid for, in the Manner herein before ſet forth; ſuch Mayor, *&c.* ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds to him, her, or them, who ſhall inform and ſue for the ſame."

By *Sect.* 5. " All Forfeitures or Penalties laid or impoſed by this Act, ſhall be recovered, with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*; wherein no Eſſoign, *&c.* ſhall be allowed."

By *Sect.* 6. " No Perſon ſhall be liable to any Forfeiture, or Penalty, by this Act laid or impoſed, unleſs Proſecution be commenced within one Year after ſuch Forfeiture or Penalty ſhall be incurred."

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By *Sect.* 7. " The Returning Officer ſhall read, or cauſe to be read openly, this Act, at the Time of Election of Members to ſerve in Parliament of Cities, Towns, Ports or Boroughs, where the Right of Election is in the Whole, or in Part, in Freeman as aforeſaid, immediately after the reading of the Act paſſed in the ſecond Year of his late Majeſty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament.*"

By *Sect.* 8. " Nothing in this Act ſhall extend, or be conſtrued to extend to the Cities of *London* or *Norwich.*"

By Common Right, in all Boroughs, the Election ought to be by all the Burgeſſes, where there is no Preſcription, or conſtant Uſage Time out of Mind, *&c.* to the contrary. 4 *Com. Dig.* 288. and therefore, if the King grant to a Borough by Charter that a ſelect Number ſhall elect, this does not take away the Right of the other Burgeſſes: ſo a By-law by the Corporation itſelf, that a ſelect Number ſhall elect, does not avail, 4 *Inſt.* 48.

3. *The Qualifications that regard both Knights of Shires, Citizens, and Burgeſſes, and herein of the Freedom of Election, and of Bribery and Corruption.*

In a Borough which hath no Charter, or Burgeſſes, nor any Cuſtom for it, the Election ſhall be by all the Houſholders, and not by Freeholders only. 4 *Com. Dig.* 288. But by original Grant or Cuſtom, an Election may be by a ſelect Number, 4 *Inſt.* 49. ſo, by Cuſtom or Preſcription, it may be by Burgage Tenants. 4 *Com. Dig.* 288.

As the chief * Excellency of our Conſtitution, conſiſts in our being † bound only by ſuch Laws

* *Bac. Abr.* 572.

† Is one of the greateſt Privileges which a *Britiſh* Subject has, and therefore if he be hindered from voting, an Action on the Caſe will lie at Common Law. *Salk.* 20. 6 *Mod.* 45.

to which we ourſelves conſent; and as ſuch Conſent cannot be given by every Individual in Perſon, but muſt be by Repreſentation, it is therefore * eſſential to the very Being of Parliament, that Elections ſhould be abſolutely † free and indifferent, and that every Perſon claiming a Right to vote, be duly qualified, free from Corruption, or any undue Influence whatſoever. Nothing ‖ more requires Freedom and Indifference, than this of Members to ſerve for us in Parliament; who have put into their Hands the Power of our Eſtates, of our Liberties, of our Lives; and therefore it is but Reaſon, that thoſe who are ſo much concerned in the Determination of the Perſons who ſhall be elected, may have a free and indifferent Choice of them.

For theſe Reaſons, all undue Influences upon the Electors are illegal, and ſtrongly prohibited. Mr. § *Locke* ranks it among thoſe Breaches of Truſt in the executive Magiſtrate, which, according to his Notions, amount to a Diſſolution of Government, " if he employs the Force, Treaſure, and Offices of the Society to corrupt the Repreſentatives, or openly to pre-ingage the Electors, or preſcribe what Manner of Perſons ſhall be choſen. For thus to regulate Candidates and Electors, and new model the Ways of Election, what is it, ſays he, but to cut up the Government by the Roots, and poiſon the very Fountain of public Se-

45. 2 *R. Raym.* 938. 2 *Burn. Hiſt.* O. T. 367. (See Ld. Ch. J. *Holt*'s Arg. on this Subject, in his Life, 74, &c.) and accordingly adjudged in the Houſe of Lords.

* *Black. Com.* 172.

† By the Common Law, all Elections ought to be free; and by ſeveral Statutes it is declared, that Elections of Members of Parliament ought to be free, particularly by 1 *W. & M.* Seſſ. 2. *c.* 2. *Bac. Abr.* 573. & 2 *W. & M. c.* 7. 4 *Com. Dig.* 290.

‖ *Mor. Whitel. on Govern. chap.* 42. *fol.* 383.

§ *On Govern. part.* 2. *ſect.* 222.

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curity?" *Black. Com.* 172. For these Purposes therefore,

By Stat. 8 *Geo.* 2. *c.* 30. *sect.* 1. "As often as any Election of any Member to serve in Parliament, shall be appointed to be made, the Secretary at War, or such Person, who shall officiate in the Place of Secretary at War, shall, before the Day appointed for such Election, send Orders in Writing for the Removal of every Regiment, Troop or Company, or other Number of Soldiers quartered in any City, Borough, Town, or Place, where such Election shall be to be made, one Day at least before the Day appointed for such Election, to the Distance of two Miles from such City, *&c.* and not to make any approach until one Day after the Poll shall be ended."

By *Sect.* 2. "In case the Secretary at War, or such Person who shall officiate in the Place of Secretary at War, shall neglect to send such Orders, and shall be thereof convicted upon any Indictment to be preferred at the next Assizes or Sessions of *Oyer* and *Terminer*, for the County where such Offence shall be committed, or on an Information to be exhibited in the Court of *King*'s *Bench*, within six Months after such Offence, such Secretary at War, *&c.* shall be discharged from their Offices, and shall be disabled to hold any Office or Employment in his Majesty's Service."

By *Sect.* 3. "Nothing in this Act shall extend to the City of *Westminster*, or the Borough of *Southwark*, in respect of the Guards of his Majesty; nor to any Place where his Majesty, or any of his Royal Family, shall reside, at the Time of such Election, in respect of such Troops only as shall be attendant as Guards to his Majesty, or to such other of the Royal Family as aforesaid; nor to any Castle or fortified Place, where any Garrison is usually kept, in respect of such Garrison."

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By *Sect.* 4. " Nothing in this Act ſhall extend to any Officer or Soldier, who ſhall have a Right to vote at ſuch Election."

By *Sect.* 5. " The Secretary at War, *&c.* ſhall not be liable to any Forfeiture for not ſending ſuch Order upon any Election on a Vacancy, unleſs Notice of the making out any new Writ ſhall be given to him by the Clerk of the Crown; which Notice he is required to give with all convenient Speed."

Riots have been frequently determined to make an Election void. *Black. Com.* 172. By Vote alſo of the Houſe of Commons, to whom alone belongs the Power of determining conteſted Elections, no Lord of Parliament or Lord Lieutenant of a County, hath any Right to interfere in the Election of the Commoners. Theſe Reſolutions were made *Nem. Con.* 14 *Dec.* 1699. 13 *Feb.* 1700. 24 *Oct.* 1702. 4 *Com. Dig.* 288.

By Stat. 2 *Wil.* & *Mar.* Stat. 1. *c.* 7. *ſect.* 1. " Whereas the Lord Wardens of the *cinque Ports*, have claimed, as of Right, a Power of nominating to each of the *cinque Ports*, the two ancient Towns and their Members, one Perſon whom they ought to elect as a Baron or Member of Parliament, contrary to the ancient Uſage and Freedom of Elections."

By *Sect.* 2. " It is declared that all ſuch Nominations are contrary to Law and void."

By Stat. 5 *&* 6 *Wil.* & *Mar. c.* 20. *ſect.* 48. " No Collector, Superviſor, Gauger or other Perſon employed in the collecting or managing the Duties of Exciſe, ſhall by Word, Meſſage, or Writing, or in any other Manner, endeavour to perſuade any Elector to give, or diſſuade any Elector from giving his Vote for the Choice of any Knight, Citizen, Burgeſs, or Baron, to ſerve in Parliament, and every Perſon offending herein ſhall forfeit One Hundred Pounds, one Moiety to the

Informer, and the other Moiety to the Poor of the Parish, to be recovered by any Person who shall sue for the same in any of his Majesty's Courts at *Westminster*; and every Person convicted on any such Suit shall become disabled of bearing any Office relating to the Duty of Excise, or any other Place of Trust under their Majesties."

By Stat. 12 & 13 *W.* 3. *c.* 10. *sect.* 91. "No Commissioner, Collector or other Person, concerned in collecting or managing the Customs, shall by word, Message, Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade him from giving, his Vote for the Choice of any Knight of the Shire, Citizen or Burgess; and every Person offending therein shall forfeit one Hundred Pounds, one Moiety to the Informer, the other to the Poor of the Parish, to be recovered in any of his Majesty's Courts at *Westminster*; and every Person convicted on such Suit shall become disabled of ever bearing any Office relating to the Customs, or any other Place of Trust under his Majesty."

By Stat. 10 *Ann.* *c.* 19. *sect.* 182. "No Commissioner, Officer, or other Person concerned in the collecting or managing any of the Duties granted by this Act, (*viz.* Duties on Soap and Paper, printed Silk, &c. certain Stamp-duties, and additional Hackney-coaches,) shall, by Word, Message or Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade him from giving, his Vote for Choice of any Knight of the Shire, Citizen, Burgess, or Baron, for any County, &c. and every Person offending therein, shall forfeit one Hundred Pounds, one Moiety to the Informer, the other Moiety to the Poor of the Parish, to be recovered by any Person who shall sue for the same in her Majesty's Courts at *Westminster*; and every Person convicted

on ſuch Suit ſhall become diſabled of ever bearing any Office or Place of Truſt under her Majeſty."

Thus are the Electors of one Branch of the Legiſlature ſecured from any undue Influence from either of the other two, and from all external Violence and Compulſion. *Black Com.* 172.

The following Statutes extend to all Sorts of Members, as well for Boroughs as Counties. *Black. Com.* 167.

By Stat. 7 & 8 *Will.* 3. *c.* 25. *ſect.* 7. "No Perſon ſhall have any Vote in electing Members, for any Truſt, Eſtate, or Mortgage, unleſs ſuch Truſtee or Mortgagee being in actual Poſſeſſion or Receipt of the Rents; but the Mortgagor, or *ceſtuique Truſt*, in Poſſeſſion, may vote for the Eſtate. And all * Conveyances of any Hereditaments, in order to multiply Voices, or to ſplit the Intereſt in any Houſes or Lands among ſeveral Perſons, to enable them to vote at Elections of Members, are declared to be void, and no more than one Voice ſhall be admitted for one Houſe or Tenement."

By *Sect.* 8. "No Perſon under the Age of twenty-one Years, ſhall be admitted to give his Vote for Election of any Member."

By Stat. 2 *Geo.* 2. *c.* 24. *ſect.* 6. "No Perſon convicted of wilful and corrupt Perjury, or Subornation of Perjury, ſhall be capable of voting in any Election of a Member to ſerve in Parliament."

By Stat. 3 *Geo.* 3. *c.* 24. *ſect.* 1. "No Perſon ſhall vote for any Knight of a Shire, Citizen, or Burgeſs for *England*, in reſpect of any Annuity or Rent-charge iſſued out of Freehold Lands or Te-

* All Conveyances to qualify Perſons for voting ſhall be againſt those who executed the ſame free and abſolute; and all Securities or Agreements for redeeming or defeating ſuch Eſtates, or for the Reconveyance thereof, ſhall be void. Stat. 10 *Ann. c.* 23. *ſect.* 1.

nements, and granted before the first Day of *June*, 1763, unless a * Certificate, upon Oath, shall have been entered twelve Kalendar Months at least, before the first Day of Election, with the Clerk of the Peace for the County, Riding, or Division, or with the Clerk of the Peace, Town-clerk, or other public Officer, having the Custody of the Records within any City or Town, having the Custody of Records therein."

By *Sect.* 2. " No Person shall vote for any Knight of a Shire, Citizen, or Burgess, for *England*, in respect of any Annuity or Rent-charge issuing out of Freehold Lands, Tenements, or Hereditaments, which shall come to such Person by Descent, Marriage, Marriage-settlement, Devise, or Presentation to a Benefice in Church, or Promotion to an Office, within twelve Kalendar Months next before such Election respectively, unless a † Certificate upon Oath, or Affirmation, if a Quaker, shall have been entered with the Clerk of the Peace, Town-clerk, or other Officer as aforesaid, before the first Day of such Election."

By *Sect.* 3. " No Person shall vote for a Knight of the Shire, Citizen, or Burgess, within *England*, in respect of any Annuity or Rent-charge to be granted after the said first Day of *June*, 1763, unless a Memorial of the Grant of such Annuity or Rent-charge shall have been registered with the Clerk of the Peace, Town-clerk, or other public Officer, having the Cudody of the Records, where the Lands, *&c.* out of which Annuity or Rent-charge issues, shall be, twelve Kalendar Months at least before the first Day of such Election, which Memorial shall be wrote on Parchment, and directed to such Clerk of the Peace, Town-clerk or other public Officer, and shall be under the Hand

* See Appendix, N°. XXVIII. † Ibid. XXIX.

and

and Seal of the Grantor or Grantors, and atteſted by two Witneſſes, one whereof to be one of the Witneſſes to the Execution of ſuch Grant; which Witneſs ſhall upon Oath before ſuch Clerk of the Peace, *&c.* as aforeſaid, or their Deputies, prove the ſealing and delivering of ſuch Grant, and the ſigning and ſealing of ſuch Memorial; which Memorial ſhall contain the Day and Year of the Date, and the Names, Additions, and Abodes, of the Parties and Witneſſes, and all the Lands and Tenements out of which the Annuity or Rent-charge iſſues, and the Pariſh, Townſhip or Place, *&c.* where ſuch Lands and Tenements lie; and that every ſuch Grant, of which ſuch Memorial, is ſo to be regiſtered, ſhall, at the Time of entering ſuch Memorial, be produced to ſuch Clerk of the Peace, *&c.* as aforeſaid, or their Deputies who ſhall thereon indorſe a Certificate, in which ſhall be mentioned the Day and Year on which ſuch Memorial ſhall be ſo entered.

By *Sect.* 4. " No Perſon ſhall vote at any Election of a Knight of the Shire, Citizen or Burgeſs, in *England*, by reaſon of an Aſſignment of any Annuity or Rent-charge, or any Part or Parts thereof, made before the ſaid firſt Day of *June*, 1763, unleſs a Certificate of ſuch Aſſignment upon Oath, to the Purport herein mentioned, with reſpect to an original Annuity or Rent-charge, ſhall have been entered with ſuch Clerk of the Peace, *&c.* as aforeſaid, twelve Kalendar Months at leaſt before the firſt Day of ſuch Election; and that no Perſon ſhall vote at any ſuch Election as aforeſaid, by reaſon of an Aſſignment of any Annuity or Rent-charge, or any Part or Parts thereof, made after the firſt Day of *June*, 1763, unleſs a Memorial of ſuch Aſſignment, and alſo a Memorial of the Grant of ſuch Annuity or Rent-charge of which ſuch ſhall be made, ſhall have been atteſted and regiſt-

ered twelve Kalendar Months at leaſt before the firſt Day of ſuch Election, in the ſame Manner as is hereinbefore directed with reſpect to the Memorial of an original Grant of an Annuity or Rent-charge."

By *ſect.* 5. "The Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, ſhall keep a Book or Books for entering of every ſuch Certificate or Memorial, and ſhall be allowed for the Entry of every ſuch Certificate the Sum of one Shilling, and of every ſuch Memorial Two Shillings, and no more, and for every Search for any Certificate or Memorial one Shilling and no more; and any Perſon or Perſons may, at all ſeaſonable Times, reſort to and inſpect the Certificates Memorials and Books of Entries thereof: And ſuch Clerk of the Peace, *&c.* or other Officer as aforeſaid, or their Deputies, is hereby directed and required forthwith to give a Copy of any Certificate, or Memorial, to any Perſon or Perſons who ſhall who ſhall deſire the ſame, paying for ſuch Copy, if it contains not more than two hundred Words, the Sum of Six-pence; and ſo in proportion for any greater Number of Words: and ſuch Clerk of the Peace, *&c.* or other Officer as aforeſaid, or his or their Deputies, is hereby impowered to adminiſter an Oath in all Caſes where an Oath is required by this Act; and true Copies of the aforeſaid Certificates and Memorials, atteſted by ſuch reſpective Clerks of the Peace, *&c.* or other Officer as aforeſaid, or their Deputies, ſhall at all Times be allowed and admitted as legal Evidence in all Caſes whatſoever."

By *Sect.* 6. "A Memorial of ſuch Grant or Aſſignment as ſhall be made and executed in any Place not within Forty Miles of the Office of the reſpective Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, ſhall be entered and regiſtered,

gistered by such Clerk of the Peace, or his Deputies, in case an Affidavit sworn, or Affirmation as a Quaker, before one of the Judges at *Westminster*, or a Master in Chancery, ordinary or extraordinary, be brought with the said Memorial to the said Clerk of the Peace, *&c.* as aforesaid, wherein one of the Witnesses to the Execution of such Grant or Assignment shall swear that he or she saw the same executed; and the same shall be a sufficient Authority to the Clerk of the Peace or his Deputy, to give the Party that brings such Memorial a Certificate of the registering such Memorial; which Certificate, signed by the said Clerk of the Peace or his Deputies, shall be taken and allowed as Evidence of the Registry of the same Memorial in all Courts of Record whatsoever; any Thing herein contained to the contrary notwithstanding."

By *Sect.* 7. " The Clerk of the Peace, Town Clerk, or other Officer, as aforesaid, shall, upon reasonable Notice, attend at any Election with the Book or Books of Entries of every Certificate and Memorial, at the Request of any Candidate, making him reasonable Satisfaction for such Attendance."

By *Sect.* 8. " If any Clerk of the Peace, Town-clerk, or other Officer as aforesaid, shall be guilty of any wilful Neglect, Misdemeanor, or fraudulent Practice, contrary to the true Intent and Meaning of this Act; every such Clerk of the Peace, shall for every such Offence, forfeit one Hundred Pounds to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, whereon no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed."

By *Sect.* 9. " No Person shall be liable to any Forfeiture or Penalty by this Act laid or imposed,

unleſs Proſecution be commenced within twelve Months after ſuch Forfeiture or Penalty ſhall be incurred."

2. The Qualifications of the elected.

1. *Of Knights of the Shire in particular.*
2. *Of Citizens & Burgeſſes in particular.*
3. *Of both Knights of Shires, Citizens & Burgeſſes.*

1. *Knights of the Shire.*

By Stat. 1 *Hen.* 5. *c.* 1. *ſect.* 1. "The Knights of Shires ſhall not be choſen, unleſs they be reſient * within the Shire the Day of the Date of the Writ of Summons, and Knights returned contrary hereto ſhall looſe their Wages. 8 *Hen.* 6. *c.* 7. *ſect.* 1."

In the Debates of the Houſe of Commons on theſe Statutes, in the Year 1620, it was argued that though they did direct the Sheriff, that ſuch one be choſen as was reſident, yet did they not make void the Election made duly otherwiſe; that the Intent and Meaning of the Law concerning Reſidency was, that the Party elected ſhould have Freehold; that there was no negative Word in the Statute to make void an Election of one who was not reſident.

Sir *Edward Coke* ſaid, there were Matters of Direction and Concluſion in the Statutes, that Non-reſidency was but a Matter of Direction.

That there was in 6 *Hen.* 4. a Parliament called *Parliamentum Indoctorum*, wherein there were no Burgeſſes, but ſuch as lived in the Towns, and no Knights of Shires, but ſuch as lived in the Coun-

* But this is intirely diſregarded. *Black. Com.* 169.

ties,

ſies, and amongſt them neither Lawyer nor learned Men.

That if either Burgeſs or Knight of the County be non-reſident, he could recover no Charges or Wages of the Borough or County for which he ſerved, as otherwiſe by Law he might. *Debates of the Commons*; *Oxf. edit.* 1761. *p.* 63.

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 3. Knights of Shires ſhall be notable Knights of the Counties, or ſuch notable Eſquires and Gentlemen of * Birth of the ſame Counties, as ſhall be able to be Knights; and no Man to be a Knight, who ſtandeth in the Degree of a Yeoman."

2. *Citizens & Burgeſſes.*

By Stat. 1 *Hen.* 5. *c.* 1. " The Citizens and Burgeſſes of Cities and Boroughs, ſhall be choſen Men, † reſiant and free in the ſame Cities and Boroughs, and none others."

3. *Knights of the Shire, & Citizens & Burgeſſes.*

What follows ſeems to relate to the Qualifications of Members for Counties, as well as for Cities and Boroughs.

A Knight ‡ Baneret, or any other under the Degree of a Baron, may be elected. 4 *Inſt.* 46, 47. *Bac. Abr.* 576.

* Doctor *Ruffhead*'s Edition.

† *Whitel. on Gov. c.* 102. *fol.* 370. *Crompt. Juriſdict.* 3. but this is intirely diſregarded. *Black. Com.* 169. and it ſeems to be obſolete, and rendered leſs neceſſary, by Stat. 9 *An. c.* 5. which ſee.

‡ A modern Authority ſays, that a Knight Banneret can be of neither Houſe of Parliament; for no one under the Degree of an *Engliſh* Baron, can be of the higher Houſe; and a Knight Baronet is too high to ſerve in the lower Houſe, as a Knight of the Shire, or a Burgeſs of a Town. *Debates in the Commons, Oxf. edit.* 1766. *p.* 26.

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One under the Age of twenty-one Years is not * eligible. *Black. Com.* 169. *Bac. Abr.* 576. 4 *Inst.* 47. *stat.* 7 & 8 *W.* 3. *c.* 25. *sect.* 8.

None of the † Judges of the *King*'s *Bench*, *Common Pleas*, or Barons ‡ of the *Exchequer*, who have judicial ‖ Places can be chosen. *Bac. abr.* 576. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370.

None of the Clergy § can be elected, for they sit in the Convocation. *Bac. Abr.* 576. *Black. Com.* 169. *Mo.* 783.

A Person attainted of ** Treason or Felony, is not eligible. 2 *Mor Whitel. on Govern. chap.* 102. *fol.* 370. for he ought, according to the Writ, to be *magis idoneus & sufficiens. Bac. Abr.* 576. Such a Person is unfit to sit any where. 4 *Inst.* 47.

Persons outlawed after Judgment, or before, in a civil Action, *Ander.* 293. nor Persons taken in Execution upon a Judgment, can be elected to Parliament, *Mo.* 57.

Nor can an Alien, or, if he be elected, shall not †† sit, though made a denizen; but a Man when ‡‡ naturalized may. 4 *Inst.* 17. *stat.* 11 & 12. *W.* 3. *c.* 2. *sect.* 3.

* Neither can any Lord of Parliament sit in the House of Peers, until he be of the full Age of twenty-one Years. *Bac. Abr.* 576.

† Because they sit in the Lords House. *Black. Com.* 169. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370.

‡ Yet *Thorp*, a Baron of the *Exchequer*, was Speaker to the Commons. 31 *Hen.* 6. 4. *Com. Dig.* 285.

‖ But any who have judicial Places in the Court of Wards, Court of Dutchy, or other Courts ecclesiastical, or civil, are elegible. *Bac. Abr.* 576.

§ Though they be of the inferior Order. 4 *Com. Dig.* 285.

** *Temp. Hen.* 7. " Persons outlawed for Treason could not come into Parliament, till their Attainders were reversed. 4 *Com. Dig.* 285." Lord *Bac. Hist. Hen.* 7. *p.* 13.

†† For to have a Power of making Laws, it is necessary that he should be totally received into Society, which he cannot be without the Consent of Parliament. *Bac. Abr.* 576.

‡‡ By Stat. 1 *Geo. st.* 2. *c.* 4. *sect.* 1. " The Clause in the Act of 12 *W.* 3. *c.* 2. whereby it is enacted, that no Person born

Sheriffs ‡ of Counties, and Mayors, and Bailiffs

born out of the Kingdom, though he be naturalized, except such as are born of *English* Parents, shall be capable to be a Member of either House of Parliament; shall not extend to disable any Person who at, or before his late Majesty King *George* the Second's Accession to the Crown, was naturalized; but by *Sect.* 2. of the same Act, no Person shall be naturalized, unless in the Bill exhibited for that Purpose, there be a Clause to declare, that such Person shall not be enabled to be a Member of either House of Parliament. See Stat. 13 *Geo.* 2. *c.* 7. *sect.* 6. 20 *Geo.* 2. *c.* 44. *sect.* 5. 22 *Geo.* 2. *c.* 45. *sect.* 10. 2 *Geo.* 3. *c.* 25. *sect.* 3.

‡ In the Parliament 2 *Char.* 1. the Case of Sir *Edward Coke*, was much debated in the House; who being Sheriff for *Bucks*, was chosen one of the Knights for *Norfolk*; and whether, by this Clause of *Nolumus* in the Writ, he were uncapable of sitting as a Member of the House of Commons, was the Question; and much debated, both at the Committee, and in the House, with Difference of Opinion; yet Sir *Edward Coke*, *de Facto*, did sit in that Parliament. Upon Search of the Records it appeared, that there was not any Mention of this Clause of *Nolumus*, in the Writ, until 13 *Edw.* 3. when a great Aid was required, by Reason of War with *France*. The Commons prayed, that Writs be sent, that the "Worthiest of Knights be chosen; and that Sheriffs be left out." 2 *Mor. Whitel. on Govern. chap.* 99. *fol.* 357. The Commons upon the aforesaid Aid being demanded, were careful that the best Men should be chosen Knights of Shires, who might not be too forward to grant greater Aids than were necessary; and therefore, petitioned that Sheriffs might not be chosen: Besides this, there seems to have been a Disgust both of the Commons and of the great Men, against Sheriffs, who, as Ministers, execute the Process of Law upon them, who before 46 *Edw.* 3. had been usually admitted to be Members of the Parliament. 2 *Mor. Whitel. chap.* 100. *fol.* 360. Two Things are objected, principally, against the Election of a Sheriff to be a Knight of the Shire; 1. The Ordinance 46 *Edw.* 3. 2. The *Nolumus* in the Writ. For the Ordinance, it was objected to be a binding Law; as the Course was, in those Times; and, agreeable to the Law of *England*, by which the Sheriff is a Conservator of the Peace; and by whom many things are to be done, which cannot be done by Deputy. And the Office of a Sheriff, and of a Knight of the Shire, together are incompatible. For a Sheriff ought to reside in his County, whereof he hath the custody, and ought to be constantly present to conserve the Peace of it, and to resist and suppress any Invasion, or Insurrection; and

of Boroughs, are not elegible in their respective

and a Parliament-Man ought to attend in Parliament. But a Sheriff, being a Knight of the Shire, cannot be present in both Places; nor execute both Duties. A Sheriff is also a Judge, his Power is judicial; and in such Matters he cannot execute his Office by Deputy, nor supply both these Employments. Therefore the Ordinance, forbidding his Election, is according to Law. That Sir *Edward Coke* himself made Ordinances equal with Acts of Parliament; and that it is a Question, whether all Acts were not so, at that Time? To this it was answered, that clearly there was a Difference between an Ordinance, and an Act of Parliament; and this Difference appears, in that an Ordinance was enacted, from thenceforth, to be an Act of Parliament. If this Ordinance had the Force of a Law, it was to no Purpose to have any of the Commons in Parliament; for this Ordinance being made without them, as appears by the Roll, if it were nevertheless a binding Law, there would be no Use of the Commons in Parliament. About the Time of this Ordiance, which, if it had been a binding Law, how came it then to pass that Lawyers, as well as Sheriffs, have not been ever since excluded the Parliament; and comprehended, as well as Sheriffs, in the *Nolumus?* which they have not been, nor the Sheriffs themselves, in some times. But this point was left as a clear Truth: That neither this nor any other Ordinance, is the same Thing with an Act of Parliament, or hath the same Force of Law in it. As to the Sheriff's residing in his County, the King doth usually dispense therewith: And the Election of him, to be a Knight of the Shire, takes him off from that Residence; and, by the old Law, ties him to an Attendance upon the Parliament. Nor is his judicial Office of a Sheriff, any more Hinderance to his Service in Parliament, than the Office of a Justice of Peace is, or of the Judges at *Westminster*. 2. The second Objection upon the *Nolumus* was inforced, as being a Clause and Words of Substance, not of Form; and constantly used, and observed since 46 *Edw.* 3. that Things long settled are not to be stirred. That there are divers Precedents where Sheriffs, being elected Parliament-Men, have been refused to be admitted, and new elections ordered; as Sir *Andrew Noel*'s Case, and Sir *George Selbye*'s Case; the Case of Mayors of Towns, and others. To this was answered, that Sir *Andrew Noel* was chosen for the same County, whereof he was Sheriff; and Sir *George Selby* was Sheriff of Inheritance in another County. That as some Sheriffs have been excluded, so others have been admitted; and this Ordinance being no Act of Parliament, the *Nolumus*, in pursuance of it doth not bind as a Law, and the longer it hath

Jurisdictions, as being Returning Officers. *Hale of Parl.* 114. 4 *Inst.* 48. *contra* as to Mayors.

A Mayor's making himself a Burgess of Parliament, and sitting as such is contrary to an express Order made the last Parliament, on a long and full Debate, that no Mayor of any Town should serve as a Member of any Town, because, by his Absence, the Government of the Town could not be so well provided and kept; and also for that it lieth often in the Power of a Mayor, by a Faction, (whilst he is in such Authority) to make himself a Burgess of Parliament without the free Election of the Commons, which is contrary to the Liberty of every Freeman of any Corporation. *Debates of the Commons, Oxf. edit.* 1766. *p.* 213.

A Man of the Law following Business in the King's Court, shall * not be elected for Counties.

The King's Attorney-general shall never serve, although he be returned Knight of any Shire, or Burgess of any Town. *Debates of the Commons, Oxf. edit.* 1766. *p.* 26.

All under the Degree of a Peer may be elected. 4 *Inst.* 47. As the Heir Apparent of a Peer. 4 *Inst.* 48. *Bro. Abr. Tit. Parl. contra.*

Sir *Edward Coke* said, that those who were employed abroad, as Ambassadors, *&c.* were without Question eligible, though absent when they were chosen; for *Absentia ejus, qui Reipublicæ Causâ abest,*

hath continued, the more injury hath been done to the Rights of the People, and to the Privilege of Parliament; which cannot be bound, but by a Law to which themselves consent; and that was not had, either to this Ordinance, or to the *Nolumus.* 2 *Mor. Whitel. on Govern. chap.* 100. *fol.* 367. See *Debates of the Commons, Oxf. edit.* 1766. *p.* 213. A Sheriff of one County, may be elected in another. 4 *Com. Dig.* 287. 4 *Inst.* 48.

* *Cot. abr. Præf.* 7. But Lord *Coke* says, that every one professing or practising the Common Law, though there was an Ordinance of the Peers in Parliament 46 *Edw.* 3. *contra,* may be elected. 4 *Inst.* 48.

non

non abest. Debates of the Commons, Oxf. edit. 1766. *p.* 50.

The King by his Charter cannot exempt a Man from being elected, for such Charter of Exemption is void. 4 *Inst.* 49.

By Stat. 23 *Hen.* 6. *c.* 14. *sect.* 3. "If any Knight, Citizen, or Burgess, returned by the Sheriff, shall after such Return be put out, and another put in his Place, such Person so put in the Place, if he take upon him to be Knight, Citizen, or Burgess at any Parliament, shall forfeit to the King one hundred Pounds and one hundred Pounds to the Knight, Citizen, or Burgess returned by the Sheriff, and put out; and the Knight, Citizen, or Burgess, so put out shall have an * Action of Debt for the same one hundred Pounds against such Person put in his Place, his Executors or Administrators."

By Stat. 5 *W. & M. c.* 7. *sect.* 57. "No Member of the House of Commons shall be concerned, or any other in Trust for him, in the collecting or making any of the Duties granted by this Act, *viz. Duties on Salt and an additional Excise*, or that shall be granted by any other Act of Parliament; except the Commissioners of the Treasury, and the Officers and Commissioners for managing the Customs and Excise, not exceeding the present Number."

By Stat. 11 & 12 *W.* 3. *c.* 2. *sect.* 150. 12 & 13 *W.* 3. *c.* 10. *sect.* 89. "No Member of the House of Commons shall be capable of being a Commis-

* Must begin his Suit within three Months after the Parliament commenced; and if he do not, than he that will sue, shall shall have an Action of the Debt of the same one hundred Pounds, against him, which is put in Place of him that is put out after Return, his Executors, or Administrators; and such Process shall be in the Actions aforesaid, as in a Writ of Trespass against the Peace at Common Law. *Sect.* 3.

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ſioner or Farmer of the Duty of Exciſe upon Beer, *&c.* or a Commiſſioner for Appeals concerning the ſaid Duty, or controlling or auditing the Account of the ſaid Duty, or of holding in his Name, or in Truſt for his Uſe, any Office or Employment touching the farming, collecting or managing, the ſaid Duty."

By *Sect.* 151. and 12 & 13 *W.* 3. *c.* 10. *ſect.* 90. "If any Member of the Houſe of Commons ſhall enjoy, or execute any Office or Employment touching the farming, managing or collecting, the ſaid Duty, or determining Appeals, or controlling or auditing the Accounts of the ſame, ſuch Perſon is declared incapable of ſitting, voting or acting, as a Member of the Houſe of Commons in ſuch Parliament."

By Stat. 13 *W.* 3. *c.* 6. *ſect.* 10. *and* 1 *Geo. Stat.* 2. *c.* 13. *ſect.* 16. "No Peer of this Realm ſhall vote or make his Proxy in the Houſe of Peers, or ſit there during any Debate, nor any Member of the Houſe of Commons ſhall vote in that Houſe, or ſit there during any Debate, after their Speaker is choſen, until ſuch Peer or Member ſhall take and ſubſcribe the Oath * of Abjuration."

By Stat. 13 *W.* 3. *c.* 6. *ſect.* 11. *and* 1 *Geo: Stat.* 2. *c.* 13. *ſect.* 17. "If any Peer or Member of the Houſe of Commons ſhall vote, or make his Proxy, not having taking the Oath and ſubſcribed the ſame, ſuch Peer or Member ſhall be adjudged a *Popiſh* † *Recuſant Convict*, and ſhall be diſabled to

* By Stat. 13 *W.* 3. *c.* 6. *ſect.* 10. "The Oath ſhall be made and ſubſcribed between nine in the Morning and four in the Afternoon, by every Peer at the Table in the Middle of the Houſe, before he takes his Place, and whilſt a full Houſe is there, with their Speaker in his Place; and by every Member of the Houſe of Commons, at the Table in the Middle of the Houſe, and whilſt a full Houſe is there ſitting, with their Speaker in the Chair. For the Form, ſee Appendix, N°. VII.

† To be a *Recuſant*, doth not neceſſarily imply the being a *Papiſt*; but a *Recuſant* is any Perſon who refuſes to go to Church, and

hold any Place of Profit or Truſt, civil or military; or to ſit or vote in either Houſe of Parliament, or make a Proxy in the Houſe of Peers, or to ſue any Action at Law, or to proſecute any Suit in Equity, or to be Guardian of any Child, or Executor or Adminiſtrator of any Perſon, or capable of any Legacy or Deed or Gift, and ſhall forfeit five hundred Pounds, to be recovered by him who ſhall ſue for the ſame, in any Court of Record at *Weſtminſter*."

By Stat. 2 & 3 *An. c.* 4. *ſect.* 22. 6 *An. c.* 35. *ſect.* 32. 7 *An. c.* 20. *ſect.* 21. 8 *Geo.* 2. *c.* 6. *ſect.* 37. "No Regiſter or his Deputy, ſhall be capable of being choſen a Member of Parliament."

By Stat. 6 *An. c.* 7. *ſect.* 25. "No Perſon who ſhall have in his own Name, or in Truſt for him, any new Office or Place of Profit under the Crown, which ſince the twenty-fifth of *October* One thouſand Seven hundred and Five, have been created, or hereafter ſhall have been created, nor any Perſon who ſhall be a Commiſſioner or Sub-commiſſioner of Prizes, Secretary or Receiver of Prizes, nor any Controller of the Accompts of the Army, nor any Commiſſioner of the Tranſports, nor any Commiſſioner of the Sick and Wounded, nor any Agent for any Regiment, nor any Commiſſioner for Wine Licences, nor any Governor or Deputy Governor of the Plantations, nor any Commiſſioner of the Navy employed in the Out-Ports, nor any Perſon having any Penſion from the Crown during Pleaſure, ſhall be capable of being elected, or of ſitting or voting as a Member of the Houſe of Commons."

and worſhip God, after the Manner of the Church of *England*, a *Popiſt Recuſant*, is a *Papiſt* who ſo refuſeth; and a *Popiſh Recuſant Convict*, is a *Papiſh* legally convicted thereof. Many Authors who have wrote on this Subject, not attending to this Diſtinction, have fallen into Confuſion.

By

By *Sect.* 26. " If any Perſon being choſen a Member of the Houſe of Commons, ſhall accept of any Office of Profit from the Crown, his Election ſhall be void, and a new Writ ſhall iſſue for a new Election; provided that ſuch Perſon ſhall be capable of being again elected."

By *Sect.* 28. " Nothing herein ſhall extend to to any Member of the Houſe of Commons, being an Officer in the Navy, or Army, who ſhall receive any new Commiſſion in the Army or Navy."

By *Sect.* 29. " If any Perſon hereby diſabled to ſit or vote in Parliament ſhall be returned for any County, *&c.* ſuch Election and return are declared to be void; and if any Perſon diſabled by this Act ſhall ſit or vote as a Member, ſuch Perſon ſhall forfeit five hundred Pounds to be recovered by ſuch as ſhall ſue for the ſame in *England.*"

All the foregoing Clauſes in this Act were enacted before the Union by 4 *&* 5 *Ann c.* 8.

By Stat. 9 *Ann c.* 5. *ſect.* 1. " No Perſon ſhall be capable to ſit or vote as a Member of the Houſe of Commons for any County, City, Borough or *cinque Port*, within *England*, *Wales* and *Berwick*, who ſhall not have an Eſtate, Freehold or Copyhold, for his own Life, or ſome greater Eſtate in Law or Equity for his own Benefit, in Lands or Hereditaments, over and above what will clear all Incumbrances that may affect the ſame, within *England*, *Wales*, and *Berwick*, of the reſpective annual Value hereafter limited, *viz.* the annual Value of ſix hundred Pounds for every Knight of a Shire, and of three hundred Pounds for every Citizen, Burgeſs, or Baron, of the *cinque Ports*; and if any Perſon who ſhall be elected or returned, as a Knight, Citizen, Burgeſs, *&c.* ſhall not at the Time of ſuch Election and Return be ſeized of, or intitled to, ſuch Eſtate, ſuch Election and Return ſhall be void."

By *Sect.* 2. " Nothing in this Act shall make the eldest Son, or Heir Apparent of any Peer, or of any Person qualified to serve as Knight of a Shire, uncapable of being elected."

By *Sect.* 3. " Nothing in this Act shall extend to either of the Universities."

By *Sect.* 4. " No Person shall be qualified within the Meaning of this Act, by Virtue of any Mortgage, whereof the Equity of Redemption is in any other, unless the Mortgagee shall have been in Possession seven Years before his Election."

By *Sect.* 5. " Every Person, except as aforesaid, who shall appear as a Candidate, or be proposed to be elected, shall, upon reasonable Request (at the Time of such Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Persons having Right to vote at such Election, take the Oath in Appendix, N°. XVII.

By *Sect.* 6. " In case such Candidate is to serve for any City, Borough or *cinque Port*, then the Oath shall relate only to the Value of three hundred Pounds *per Annum*."

By *Sect.* 7. " The Oath aforesaid may be administered by the Sheriff or Under-sheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it shall appertain to take the Poll, or make the Return, or by any two Justices of Peace within *England*, *Wales*, and *Berwick*; and the said Sheriff, *&c.* who shall administer the Oath, are required to certify the taking thereof into *Chancery* or the *Queen's Bench*, within three Months, under Penalty of one hundred Pounds, one Moiety to the Queen, and the other Moiety to such as will sue for the same, to be recovered with Costs in any of her Majesty's Courts at *Westminster*; and if any of the Candidates shall wilfully refuse to take the Oath, the

Election and Return of ſuch Perſon ſhall be void."

By *Sect.* 8. "No Fee ſhall be taken for adminiſtring ſuch Oath, or making or filing the Certificate, except one Shilling for adminiſtring the Oath, and two Shillings for making the Certificate, and two Shillings for filing the ſame, under Penalty of twenty Pounds, to be recovered as aforeſaid."

By Stat. 1 *Geo. ſtat.* 2. *c.* 56. *ſect.* 1. "No Perſon having any Penſion from the Crown of any Term of Years, either in his own Name, or in Truſt for him, ſhall be capable of being elected a Member of the Houſe of Commons."

By *Sect.* 2. "If any Perſon who ſhall have ſuch Penſion, ſhall preſume to ſit or vote, he ſhall forfeit twenty Pounds for every Day in which he ſhall ſit or vote there, to him who ſhall ſue for the ſame in any of the Courts at *Weſtminſter*, with Coſts."

By 3 *Geo. c.* 8. *ſect.* 43. "No Member of the Bank, for any Thing in this Act contained, ſhall be diſabled from being a Parliament Man."

By 3 *Geo. c.* 9. *ſect.* 7. "No Governor, Sub-governor, Deputy-Governor, or Member of the *South Sea Company*, by Reaſon of his being a Member of the ſaid Company, or of any Matter or Thing in this Act contained, be now or at any Time hereafter diſabled from being or continuing, or from being elected, or ſerving as a Member of Parliament. But ſee 7 *Geo. ſtat.* 1. *c.* 28. *ſect.* 1. for diſabling Sub-Governors, *&c.* of the ſaid Company from ſitting or voting in Parliament for the future."

By Stat. 6 *Geo. c.* 18. *ſect.* 10. "No Perſon who ſhall be Governor, Director, or other Officer belonging to the Corporations for Inſuring of Ships, *&c.* ſhall for that Cauſe only be diſabled from being a Member of Parliament."

By Stat. 15 *Geo.* 2. *c.* 22. *sect.* 1. "No Person shall be a Commissioner of the Revenue in *Ireland*, or Commissioner of the Navy or Victualling Offices, nor any Deputies or Clerks in any of the said Offices, or in any of the Offices following, *viz.* the Office of Lord High Treasurers, or the Commissioners of the Treasury, or of the Auditor of the Receipt of his Majesty's *Exchequer*, or of the Tellers of the *Exchequer*, or of the Chancellor of the *Exchequer*, or of the Lord High Admiral, or the Commissioners of the Admiralty, or of the Paymasters of the Army, or of the Navy, or of his Majesty's principal Secretaries of State, or of the Commissioners of the Salt, or of the Stamps, or of Appeals, or of Wine Licences, or of Hackney Coaches, or of Hawkers and Pedlars, nor any Persons having any Office, civil or military, within the Island of *Minorca*, or in *Gibraltar*, other than Officers having Commissions in any Regiment there only, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons."

By *Sect.* 2. "If any Person hereby disabled shall be returned as a Member to serve in Parliament, such Election and Return are hereby declared void. And if any Person disabled by this Act to be elected, shall presume to sit or vote as a Member of the House of Commons, he forfeits twenty Pounds for every Day in which he shall sit or vote in the said House, to such Person who shall sue for the same in any Court at *Westminster*; and the Money so forfeited shall be recovered with Costs by Action of Debt, *&c.* in which no Essoign, *&c.* shall be allowed; and shall from thenceforth be incapable of taking or holding any Office of Honour or Profit under his Majesty."

By *Sect.* 3. "Nothing in this Act shall exclude the Treasurer or Comptroller of the Navy, the Secretaries of the Treasury, the Secretary to the Chancellor of the *Exchequer*, or Secretaries of the Admi-

Admiralty, the under Secretary to any of his Majesty's principal Secretaries of State, or the Deputy Paymaster of the Army, or to exclude any Person having any Office or Employment for Life, or for so long as he shall behave himself well in his Office."

By Stat. 33 *Geo.* 2. *c.* 20. *sect.* 1. "Every Person (except as is herein after excepted) who shall be elected a Member of the House of Commons, shall before he presumes to vote in the House of Commons, or sit there during any Debate, after their Speaker is chosen, deliver in to the Clerk of the said House, at Table in the Middle of the House, and whilst the House of Commons is there duly sitting, with their Speaker in the Chair, an account * signed by such Member, containing the Names of the Parishes, Townships or Precincts, and of the Counties in which the Lands or Hereditaments lie, whereby he makes out his Qualifications, declaring the same to be of the annual Value of six hundred Pounds above Reprizes, if a Knight of a Shire; and of the annual Value of three hundred Pounds above Reprizes, if a Citizen, Burgess, or Baron of the *cinque Ports* †: and shall at the same Time take and subscribe the Oath." N°. XVIII. of the Appendix.

And the House of Commons is hereby impowered and required to administer the said Oath and Subscription according to this Act to every Person duly demanding the same, immediately after such Person shall have taken the Oaths of § Allegiance ‡ Supremacy, and ‖ Abjuration at the said Table.

* For the Form see Appendix, N°. XIX.

† This somewhat balances the Ascendancy which the Boroughs have gained over the Counties, by obliging the trading Interest to make Choice of landed Men. *Black. Com.* 170.

§ See the Form in Appendix, N°. III.

‡ Ibid. N°. IV. ‖ Ibid. N°. VII.

And the ſaid Oath and Subſcription ſhall be entered in a Parchment Roll, to be provided by the Clerk of the Houſe of Commons; and the Accounts ſo ſigned and delivered to the ſaid Clerk ſhall be filed and kept by him.

By *Sect.* 2. "If any Perſon elected to ſerve in any future Parliament as a Knight of the Shire, or as a Citizen, Burgeſs, or Baron of the *cinque Ports*, preſume to ſit or vote as a Member of the Houſe of Commons, before he has delivered in ſuch Account, and taken and ſubſcribed ſuch Oath, or ſhall not be qualified according to 9 *Ann c.* 5. and this Act; his Election ſhall be void, and a new Writ ſhall be iſſued to elect another Member."

By *Sect.* 3. "Nothing in this Act ſhall extend to the eldeſt Son or Heir Apparent of any Peer, or of any Perſon qualified to ſerve as a Knight of a Shire, or to the Members for either of the Univerſities in *England*, or to the Members for *Scotland*."

Bribery and Corruption.

The firſt Inſtance that occurs of Election Bribery, was ſo early as 13 *Eliz.* when one *Thomas Longe* (being a ſimple Man and of ſmall Capacity to ſerve in Parliament) acknowledged that he had given the returning Officer and others of the Borough of *Weſtbury*, four Pounds to be returned Member, and was for that Premium elected. But for this Offence the Borough was amerced, the Member was removed, and the Officer fined and impriſoned. But as this Practice hath ſince taken much deeper and more univerſal Root, it hath occaſioned the making of theſe wholeſome Statutes; to complete the Efficacy of which, there is nothing wanting but Reſolution and Integrity to put them in ſtrict Execution. *Black. Com.* 173.

By

By Stat. 7 *W.* 3. *c.* 4. *sect.* 1. "No Person to be elected to serve in Parliament for any Place, after the *Teste* of the Writ of Summons, or after the ordering of the Writs of Election upon the calling of any Parliament, or after such Place becomes vacant in Time of Parliament, shall, before his Election, give or allow to any Person having Voice in such Election any Money, Meat, Drink, Entertainment or Provision, or make any Present, Entertainment, or any Promise or Engagement, to give or allow any Money, *&c.* to any such Person in particular, or to such Place in * general, in order to be elected."

By *Sect.* 2. "Every Person so giving or allowing, promising or engaging, shall be disabled upon such Election to serve in Parliament for such Place."

By Stat. 9 *Ann c.* 5. *sect.* 5. "Every Person who shall appear as a Candidate, or be proposed to be elected, shall, upon reasonable Request (at the Time of such Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Persons having Right to vote, at such Election, take the Oath." N°. XVII. in the Appendix.

By *Sect.* 6. "In case such Candidate is to serve for any City, Borough, or *cinque Port*, then the Oath shall relate only to the Value of three hundred Pounds *per Annum*."

By *Sect.* 7. "The Oaths aforesaid may be administered by the Sheriff or Under-sheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it shall appertain to take the Poll, or make the Return, or by any two Justices of Peace within *England*, *Wales*,

* Treating a Corporation on the Day of Election is a Breach of this Statute. 4 *Com. Dig.* 287.

and *Berwick*; and the ſaid Sheriff, *&c.* who ſhall adminiſter the Oaths, are required to certify the taking thereof into *Chancery* or the *Queen*'s *Bench* within three Months, under Penalty of one hundred Pounds, one Moiety to the Queen, and the other Moiety to ſuch as will ſue for the ſame, to be recovered with Coſts in any of his Majeſty's Courts at *Weſtminſter*; and if any of the Candidates ſhall wilfully refuſe to take the Oath, the Election and Return of ſuch Perſon ſhall be void."

By *Sect.* 8. "No Fee ſhall be taken for adminiſtring ſuch Oath, or making or filing the Certificate, except one Shilling for adminiſtring the Oath, and two Shillings for making the Certificate, and two Shillings for Filing the ſame, under Penalty of Twenty Pounds, to be recovered as aforeſaid."

Subject to theſe Reſtrictions and Diſqualifications, every Subject of the Realm is eligible of common Right. It was therefore an unconſtitutional * Prohibition, which was inſerted in the King's Writs, for the Parliament holden at *Coventry*, 6 *Hen.* IV. that no † Apprentice or other Man of the Law

* The Occaſion of which was this, the King being in great Want of Money, and fearing that if the Lawyers were Parliament Men, they would oppoſe his exceſſive Demands and hinder his illegal Purpoſes (according to their Knowledge and Learning in the Laws, and public Affairs;) to prevent this, the King iſſued forth Writs of Summons with the above Prohibition in them. Beſides this, there ſeems to have been a Diſguſt both of the Commons and of the great Men againſt Lawyers, as being an Hindrance to their Oppreſſions, by pleading the Right of Law, on behalf of their Clients. 2 *Mor. Whitel. on Govern. chap.* 100. *fol.* 360, 361.

† Poſſibly the Word *Apprentice* of the Law may have been an erroneous Manner of filing up the Contraction *ap. de la Ley*, which meant *appris de la Ley*, or "learned and verſed in the Laws," and not *Apprentice de la Ley*.—It is not probable that the Law, which was ſo liberally profeſſed in *England*, and which had ſuch noble Eſtabliſhments, according to *Fortescue*'s

ſhould be elected a Knight of the Shire therein *; in Return for which, our Law-books and † Hiſtorians have branded this Parliament with the Name of *Parliamentum Indoctum*, or the lack-learning Parliament; and Sir *Edward Coke* obſerves with ſome Spleen ‡, there was never a good Law made thereat. *Black. Com.* 170.

3. *The Manner of, & Proceedings at Elections.*

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 1. "When any new Parliament ſhall be ſummoned, there ſhall be forty Days between the *Teſte* and Return of the Writs of § Summons, and the Lord Chancellor ‖ ſhall iſſue out the Writs for Election of Members, with as much Expedition as may be. And as well upon the calling a new Parliament, as in caſe of Vacancy during Parliament, the Writs ſhall be

teſcue's Account ſhould have borrowed, for one of their Degrees in *Science*, a Term of *Mechanics* and *Trade*. Obſerv. on Stat. 215.

* *Pryn.* on 4 *Inſt.* 13.

† *Speed Hiſt. Angl.* 458. *pl.* 35. *Walſingh.* A. D. 1405.

‡ 4. *Inſt.* 48.

§ The Writ for Summons or Election, ſhall have no material Alteration, or Addition, without Act of Parliament. 4 *Inſt.* 10. Before the Writ of Summons iſſues, the King gives a Warrant to the Chancellor, by Bill ſigned for iſſuing the Writs, *D'Evres, Journ.* 2. [for the Form of the Warrant, ſee Appendix, N°. I. of the Writ, N°. II.] If the Perſon elected dies, or makes Election for another Place, the Speaker iſſues a Warrant to the Clerk of the Crown, upon Motion, to make a Writ for another Election at the vacant Place; ſo, if the Perſon elected accepts an Office, be made a Peer, *&c.* though there be a Petition depending for the Election at the ſame Place, if it be not againſt him who dies, *&c.* or, there was not any Candidate, but the Perſons who are returned. 4 *Com. Dig.* 285. The Writ of Summons ſhall be, *teſte* the King, or *teſte* the Chief Juſtice, or Guardian of the Realm. 4 *Inſt.* 6.

‖ Or if a Vacancy happens during Parliament, the Speaker, by Order of the Houſe. *Black. Com.* 171.

delivered

delivered to the Officer to whom the Execution thereof doth belong, and no other Perſon; and ſuch Officer upon Receipt of the Writ, ſhall, upon the Back thereof, indorſe the Day he received the ſame, and forthwith make out the Precept to each Borough or Place; and within three * Days after Receipt of the Writ ſhall deliver ſuch Precepts to the proper Officer of every ſuch Borough, *&c.* and to no other Perſon; and ſuch Officer upon the Back of the Precept, ſhall indorſe the Day of the Receipt thereof, in the Preſence of the Party from whom he received ſuch Precept, and ſhall forthwith cauſe Public Notice to be given of the Time and Place of Election, and ſhall proceed to Election thereupon within eight Days after his Receipt of the Precept, and give four Days Notice at leaſt of the Day appointed for the Election."

By Stat. 10 *Ann c.* 23. *ſect.* 8. "If any Quaker ſhall upon Election, if required by the Candidates, declare the Effect of the Oath *required of of Electors* upon his ſolemn Affirmation, ſuch Quaker ſhall be admitted to vote, and the Sheriff ſhall enter *affirmat* againſt the Name of ſuch Quaker; and in caſe ſuch Quaker ſhall be convicted of having wilfully, falſly and corruptly affirmed any Thing, which, if the ſame had been in the uſual Form, would have amounted to wilful and corrupt Perjury, ſuch Quaker ſhall incur the Penalties of wilful and corrupt Perjury."

By Stat. 2 *Geo.* 2. *c.* † 24. *ſect.* 1. "Upon every Election for any Member to ſerve for the Commons

* The proper Officer of the *cinque Ports* ſhall be allowed ſix Days from the Receipt of ſuch Writ for the Delivery of the Precept, according to the above Statute, 10 & 11 *W.* 3. *c.* 7. *ſect.* 2.

† This Act is not confined only to Candidates and Perſons employed by them, but it extends to all Perſons whomſoever; the Words being as plain and as general as poſſible. *Andr.* 249.

in

in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Perſon having Right to * vote, ſhall, before he is admitted to Poll, take an Oath (or being a Quaker, make the ſolemn Affirmation) in caſe the ſame be demanded by either of the Candidates, or any two Electors. See Appendix No. XI. And no Perſon ſhall be admitted to Poll till he has taken the Oath, if demanded, before the returning Officer or others legally deputed by him."

By *Sect.* 2. "If any Sheriff or other returning Officer, ſhall admit any Perſon to be polled without taking ſuch Oath, *&c.* if demanded, ſuch returning Officer ſhall forfeit one hundred Pounds with Coſts; and if any Perſon ſhall vote without having firſt taken the Oath, *&c.* if demanded, he ſhall incur the ſame Penalty."

By *Sect.* 3. "Every Sheriff or other returning Officer, ſhall, immediately after reading the Writ or Precept for the Election, take and ſubſcribe the Oath, No. XXVII. of the Appendix; which Oath any Juſtice of Peace of the County, City, Corporation or Borough, where the Election ſhall be made, or in his abſence any Three of the Electors, are required to adminiſter; and the Oath ſhall be entered among the Records of the Seſſions."

By *Sect.* 5. "If any returning Officer, or Perſon taking the Oath, *&c.* ſhall be guilty of wilful Perjury, or of falſe affirming, and be thereof convicted, he ſhall ſuffer the Pains of wilful and corrupt Perjury."

By *Sect.* 7. "If any Perſon who ſhall claim a Right to vote in any ſuch Election, ſhall receive any Money or other Reward, or agree for any

* It might not be amiſs, if the Members elected were bound to take this Oath, as well as the Oath of Abjuration; which in all Probability would be much more effectual, than adminiſtering it only to the Electors. *Black. Com.* 173, 174.

Money,

Money, Gift, Office, Employment, or other Reward, to give his Vote, or to forbear to give his Vote, in any ſuch Election; or if any Perſon ſhall, by any Gift or Reward, or by any Promiſe or Security for any Gift or Reward, corrupt or procure any Perſon to give his Vote, or to forbear to give his Vote; the Offender ſhall forfeit five hundred Pounds, to be recovered with Coſts; and any Perſon offending in the ſaid Caſes, after Judgment obtained againſt him in any Action of Debt, *&c.* or ſummary Action, or Proſecution, or being otherwiſe lawfully convicted, ſhall be for ever diſabled to vote in any Election of Members to ſerve in Parliament; and ſhall for ever be diſabled to hold or enjoy any Office or Franchiſe, as a Member of any City, Borough, or *cinque Port.*"

By *Sect.* 8. "If any Perſon offending againſt this Act, ſhall within Twelve Months after ſuch Election, diſcover any other Perſon offending againſt this Act, ſo that the Perſon diſcovered be convicted, the Perſon diſcovering, and not having before been convicted, ſhall be * indemnified from all Penalties and Diſabilities which he ſhall then have incurred by any Offence againſt this Act."

By *Sect.* 9. "Every Sheriff or other Officer, to whom the Execution of any Writ or Precept for electing any Member ſhall belong, ſhall, at the Time of ſuch Election, immediately after the Writ or Precept, cauſe to be read before the Electors this Act, and the ſame ſhall alſo be read once every Year, at the Quarter Seſſions next after *Eaſter*, for any County or City; and at the Election of the Chief Magiſtrate in any Borough, Town Corporate, or *cinque Ports.*"

* In like Manner the *Julian* Law *de Ambitu*, inflicts Fines and Infamy upon all who were guilty of Corruption at Elections; but if the Perſon guilty convicted another Offender, he was reſtored to his Credit again. *Black. Com.* 173.

By

By *Sect.* 10. "Every Sheriff, Under-sheriff, and other Officer to whom the Execution of any Writ or Precept for the electing of Members doth belong, shall, for every wilful Offence contrary to this Act forfeit fifty Pounds, to be recovered with Costs."

By *Sect.* 11. "No Person shall be liable to any Incapacity or Penalty by this Act, unless Prosecution is commenced within Two * Years, after such Incapacity, *&c.* shall be incurred and carried on without delay."

By Stat. 19 *Geo.* 2. *c.* 28. *sect.* 1. "Every Person demanding to vote for the Election of any Member to serve in Parliament, for any City or Town, being a County of itself in *England*, in respect of any Freehold Estate of Forty Shillings a Year, shall, before he is admitted to Poll (if required by any of the Candidates, or other Person having a Right to vote) take the Oath (or being a Quaker, the Affirmation) No. XIII. of the Appendix; which Oath the Sheriff or Under-sheriff, or such sworn Clerk as shall be by him appointed for taking the Poll, is to administer: and in case any Person taking the said Oath or Affirmation, shall thereby commit wilful Perjury, and be convicted; and if any Person corruptly procure or suborn any Person to take the said Oath in order to be polled, whereby he shall commit wilful Perjury, and shall be convicted; they for every such Offence shall incur such Penalties as are inflicted by 5 *Eliz.* *c.* 9. and 2 *Geo.* 2. *c.* 25."

By *Sect.* 13. "Nothing herein contained shall extend to any City or Town, being a County of

* No Person shall be liable to any Penalty by this Act, unless such Person shall be legally arrested, or served with Process, within two Years after any Offence against the said Act committed; so as the Service of such Process be not prevented by such Person absconding. Stat. 9 *Geo.* 2. *c.* 38.

itself,

itſelf, or to any Perſon, where the Right of voting for any Member of ſuch City or Town is in reſpect of Burgage Tenure; or where the Right of voting in reſpect of a Freehold, does not require the ſame to be of the yearly Value of Forty Shillings."

Theſe Proceedings I ſhall conſider as they effect,

1. *The Election of Knights of the Shire.*
2. *The Election of Citizens and Burgeſſes.*
3. *The Election for the City of* London.

1. *The Election of Knights of the Shire.*

A Writ goes to the Sheriff of every County in *England*, commanding him to cauſe two moſt fit and diſcreet Knights of his County, girt with Swords, to be choſen. *Co. Lit.* 109. *b.* 4 *Inſt.* 6. *Anno* 4 *Hen.* 3. a Writ of Summons was directed to the Sheriff of every County, that he cauſe to come two of the moſt lawful and diſcreet Knights of each County. *Dugd. Sum. Parl.* 3. *Cot. Abr. Præf.* 13. *b.* and from that Time the Counties of *Bedford*, *Berks*, *Bucks*, *Cambridge*, *Kent*, *Cornwall*, *Cumberland*, *Derby*, *Devon*, *Dorſet*, *York*, *Eſſex*, *Glouceſter*, *Hereford*, *Hertford*, *Huntingdon*, *Lancaſter*, *Leiceſter*, *Lincoln*, *Middleſex*, *Norfolk*, *Northampton*, *Northumberland*, *Nottingham*, *Oxford*, *Rutland*, *Salop*, *Somerſet*, *Southampton*, *Stafford*, *Suffolk*, *Surry*, *Suſſex*, *Warwick*, *Weſtmoreland*, *Wilts*, and *Worceſter*, have ſent each of them two Knights. 4 *Com. Dig.* 284.

By Stat. 7 *Hen.* 4. *c.* 15. "The Elections of Knights of Shires ſhall be made as follows, *viz.* At the Meeting of the next County after Delivery of the Writ, Proclamation ſhall be made of the Day and Place of the Parliament, and that all who be preſent ſhall attend to the Election of their Knights;

Knights; and then in full County they ſhall proceed to the Election * freely."

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 2. "Every Sheriff that maketh not due Election of Knights in convenient Time, *viz.* every Sheriff in his full County between the † Hours of Eight and Eleven before Noon."

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 3. "Upon every Election of any Knight of the Shire, the Sheriff ſhall hold his County Court for the Election at the moſt public and uſual Place of Election, and where the ſame has moſt uſually been for forty Years, and ſhall there proceed to Election at the next County Court, unleſs the ſame fall out to be held within ſix Days after the Receipt of the Writ, or upon the ſame Day, and then ſhall adjourn the Court to ſome convenient Day, giving ‡ ten Days Notice of the Time and Place of Election."

It may be judged who are elected, by hearing of the Voices, or View of the Hands held up. *Pl. Com.* 123. 126. *a.* But if the Freeholders demand a Poll, the Sheriff ought not to refuſe it, for upon View he cannot judge who have Freeholds, and he ought not to refuſe it, though the Party waives it; ſo, if the Party demand a Poll, he ought not to refuſe it. 4 *Inſt.* 48. and now by *ſtat.* 7 & 8

* And by Stat. 1 *W.* & *M. Seſſ.* 2. *c.* 2. and *ſtat.* 2 *W.* & *M. c.* 7. "It is declared, that Elections to Parliament ought to be free." See *p.* 15.—Sir *Edward Coke* ſaid, though the Statute directs that the Election ſhould be free, yet never was there any Election, wherein Men did not labour their Friends by Letter, and Entreaty for their Voices. *Debates of the Commons, Oxf. edit.* 1766. *p.* 23.

† But it is ſufficient, if the Election be begun between thoſe Hours. 4 *Inſt.* 48.

‡ When the County Court falls out to be held within ſix Days after the Receipt of the Writ, or upon the ſame Day, no Sheriff ſhall adjourn ſuch Court for longer than ſixteen Days, by Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 10.

W.

W. 3. *c.* 25. *ſect.* 3. in caſe the Election be not determined upon the View, but a Poll ſhall be required, the Sheriff or Under-ſheriff, with ſuch others as ſhall be deputed by him, ſhall forthwith proceed to take the Poll in ſome open Place or Places; the Sheriff or Under-ſheriff, or ſuch as he ſhall depute, ſhall appoint ſuch Number of Clerks as ſhall ſeem meet for taking thereof; which Clerks ſhall all take the Poll in the Preſence of the Sheriff, or his Under-ſheriff, or ſuch as he ſhall depute; and before they begin to take the Poll, every Clerk ſhall, by the Sheriff or Under-Sheriff, be ſworn truly and indifferently to take the ſame, and to ſet down the Names of each Freeholder, and the Place of his Freehold, and for whom he ſhall poll, and to poll no Freeholder who is not ſworn, if required by the Candidates; and the Sheriff, *&c.* ſhall appoint for each Candidate ſuch one Perſon as ſhall be nominated by each Candidate to be Inſpector of every Clerk."

By *Sect.* 5. " The Sheriff, *&c.* or ſuch as he ſhall depute, ſhall proceed to Polling all the Freeholders preſent, and ſhall not adjourn the County Court to any other Place, without the Conſent of the Candidates, nor ſhall by any unneſſary Adjournment protract the Election, but ſhall duly proceed from Day to Day."

By *Sect.* 9. " All County Courts for the County of *York*, or any other County Courts which uſed to be held on a *Monday*, ſhall be begun on a *Wedneſday*."

By *Sect.* 10. " The Sheriff of the County of *Southampton*, at the Requeſt of one of the Candidates for that County, ſhall adjourn the Poll from *Wincheſter*, after every Freeholder there is polled, to *Newport* in the Iſle of *Wight*."

By 10 *Ann c.* 23. *ſect.* 5. " In taking the Poll, the Sheriff, or his Under-ſheriff and Clerks, ſhall enter,

enter; not only the Place of the Elector's Freehold, but alſo the Place of his Abode, and ſhall alſo enter *jurat* againſt the Name of every ſuch Voter who ſhall take the Oath, (appointed * by 18 *Geo.* 2. *c.* 18.) and the Sheriff, or returning Officer, ſhall, within twenty Days after ſuch Election, deliver over upon Oath (which Oath the two next Juſtices of Peace, one of the *quorum*, are to adminiſter) unto the Clerk of the Peace, all the Poll-books of ſuch Elections, without any Alteration; and in ſuch Counties where there are more than one Clerk of the Peace, the original Poll-books to one of the Clerks of the Peace, and atteſted Copies thereof to the reſt, to be kept among the Records of the Peace."

By *Sect.* 6. "The Sheriff of the County of *York* ſhall appoint ſeven Tables for taking the Poll upon any Election of Knight of the Shire, at the Coſts the Candidates."

* For the Form ſee Appendix, N°. XII. which Oath the Sheriff or Under-ſheriff, or ſuch ſworn Clerk as ſhall be by him appointed for taking the Poll, is to adminiſter: And in caſe any Perſon taking the ſaid Oath or Affirmation, ſhall thereby commit wilful Perjury, and be convicted; and if any Perſon corruptly procure or ſuborn any Perſon to take the ſaid Oath in order to be polled, whereby he ſhall commit wilful Perjury, and ſhall be convicted; they for every ſuch Offence ſhall incur ſuch Penalties as are inflicted by 5 *Eliz.* *c.* 9. & 2 *Geo.* 2. *c.* 25. 19 *Geo.* 2. *c.* 28. *ſect.* 1.

Note, the Puniſhment in 5 *Eliz.* *c.* 9. [perpetuated by 29 *Eliz.* *c.* 5. 21 *Jam.* *c.* 28. *ſect.* 8.] is, for every Offence, to forfeit twenty Pounds; half a Year's Impriſonment, and to be incapacitated to take an Oath till the Judgment be reverſed, and for want of twenty Pounds, to have their Ears nailed to the Pillory. *Sect.* 6, 7.

For Subornation of Perjury to forfeit forty Pounds, and be incapacitated, and for Want of forty Pounds, to ſtand an Hour in the Pillory. *Sect.* 3, 4, 5. Beſides the above Puniſhments, the Offender is liable to Tranſportation for ſeven Years; by *ſtat.* 2 *Geo.* 2. *c.* 25. perpetuated by 9 *Geo.* 2. *c.* 18.

By 18 *Geo.* 2. *c.* 18. *sect.* 7. " At every Election in *England* and *Wales*, the Sheriff, or in his Absence, the Under-sheriff, or such as he shall depute, shall appoint or erect, at the Expence of the Candidates, such Number of Booths or Places for taking the Poll, as any of the Candidates shall, three Days at least before the Commencement of the Poll, desire; so as the same do not exceed the Number of Rapes, Laths, Wapentakes, Wards, or Hundreds within the said County, and not exceeding in the Whole the Number of fifteen; and shall affix on the most public Part of each the Name of the Rape, *&c.* for which such Booth is designed: and the Sheriff, *&c.* shall appoint a Clerk or Clerks at each Booth to take the Poll (who shall at the Expence of the Candidates be paid not exceeding one Guinea *per* Day, each Clerk) and the Sheriff or Under-sheriff, shall also make out a List for each Booth, of all the Towns, Villages, Parishes, and Hamlets, lying wholly or in part in the Rape, *&c.* for which such Booth is designed; and shall upon Request, deliver a Copy thereof to any of the Candidates, or their Agents, taking for each Copy two Shillings, and no more."

By *Sect.* 8. "No Sheriff, Under-sheriff, or Clerk appointed to take the Poll at any of the said Booths, shall admit any Person to vote for any Freehold Estate sworn to be at some Parish or Place not mentioned in the List so made out for such Booth, unless such Estate lie in some Place not mentioned in any of the Lists.

By *Sect.* 9. " The * Sheriff, or in his Absence,

* *Sect.* 6. 8, 9, 10, 11 & 12, of *Stat.* 19 *Geo.* 2. *c.* 28. have the very same Regulations and Provisions, and almost *verbatim*, with respect to Persons voting for a Member for any City or Town, being a County of itself, as are made by *sect.* 9. 12, 13, 14, 15 & 16, of the above abstracted Act of 18 *Geo.* 2. *c.* 28, with respect to Persons voting for Knights of the Shire.

the

the Under-ſheriff, or ſuch as he ſhall depute, ſhall at every ſuch Election, allow a Cheque-book for every Poll-book for each Candidate, to be kept by their reſpective Inſpectors, at every Place where the Poll ſhall be taken."

By *Sect.* 12. "In caſe any Sheriff or Under-ſheriff, who ſhall preſide at any Election of any ſuch Knight of the Shire in *England* or *Wales*, ſhall wilfully offend againſt this Act, he ſhall be proſecuted by Information or Indictment in the Court of *King*'s *Bench*, or in the Courts of Great Seſſions in *Wales*, or at the Seſſions for the County Palatine of *Cheſter*, *Lancaſter*, and *Durham*, or at the Aſſizes for the Place where ſuch Offence ſhall be committed, in which no *noli proſequi* or *ceſſet proceſſus* ſhall be granted."

By *Sect.* 13. "It ſhall be ſufficient for the Plaintiff in any Action of Debt given by this Act, to ſet forth in the Declaration, that the Defendant is indebted to him in the Sum of and to alledge the particular Offence for which ſuch Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Parliament, or the Return thereof: and it ſhall be ſufficient in any Indictment or Information for any Offence contrary to this Act, to alledge the particular Offence, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament or the Return thereof: and upon trial of any Iſſue in any Action, Indictment or Information, the Plaintiff, Proſecutor, or Informer, ſhall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon ſuch Writ of Summons."

By *Sect.* 14. "Every Action, Indictment, or Information given by this Act, ſhall be commenced

within nine Kalendar Months after the fact upon which the ſame is grounded."

By *Sect.* 15. "All the Statutes of Jeofails ſhall extend to all Proceedings in any Action, Indictment, or Information given by this Act"

By *Sect.* 16. "In caſe the Plaintiff or Informer, in any Action, Indictment, or Information, given by this Act, diſcontinue or be nonſuited, or Judgment be given againſt him, the Defendant ſhall recover treble Coſts."

By Stat. 19 *Geo.* 2. *c.* 28. *ſect.* 7. "The Sheriff or Sheriffs of every City or Town, being a County of itſelf, and having a Right to elect a Member of Parliament, by Virtue of the Writ iſſuing out of *Chancery* without any Precept thereupon, in *England*, ſhall forthwith upon the Receipt of the Writ cauſe public Notice to be given of the Time and Place of Election; and proceed to Election within eight Days next after that of his Receipt of the Writ, and give three Days Notice thereof at leaſt, excluſive of the Day of the Receipt of the Writ, and of the Day of Election."

2. *The Election of Citizens & Burgeſſes.*

Members for Cities and Boroughs are choſen by Virtue of the King's Writ, and the Sheriff's Precept grounded thereupon, the Precept being directed to the Mayor, or other returning Officer.

A Writ to the Sheriff of every County commands that from * every City of his County, two

* *Anno* 49 *Hen.* 3. A Writ of Summons was directed to the Citizens of *York*, and required them to ſend to Parliament two of the moſt diſcreet, leige, and worthy Citizens, *&c.* *Dugd. Sum. Parl.* 3. Citizens and Burgeſſes, were not afterwards ſummoned with the Knights of Shires to Parliament, till 23 *Edw.* 1. but the King ſent them Commiſſioners, who aſſeſſed, or levied upon them the ſame, or a greater Tax than was granted

Citizens, *&c. Co. Lit.* 109. *b.* 4 *Inst.* and from * every Borough two Burgesses of the most discreet and sufficient. *Co. Lit.* 110.

A Citizen is the most worthy, but his Election agrees in all Respects with the Election of a Burgess, by *Holt.* Ch. Just. 2 *Lord Raym.* 951. 6 *Mod.* 51.

The Election in a Borough is by Persons who hold by Burgage Tenure, or by the Burgesses of a Corporation; the Right of a Vote for Electing Burgesses to Parliament is incident to every Burgage Tenure. The Election by the Burgesses of a Corporation is a personal Privilege given by Prescription, or Charter, and is a Right vested in the whole Corporation, to be exercised by every Member thereof. 6 *Mod.* 51, 52. Lord *Raym.* 951 *Salk.* 20. 3 *Salk.* 18.

3. *The Election of Citizens of* London.

By 11 *Geo. c.* 18. *sect.* 1. " Upon every Election of Citizens to serve in Parliament for the City of *London*, the presiding Officers shall, in case a Poll be demanded by any of the Candidates, or two of the Electors, appoint Clerks to take the Poll in the Presence of the presiding Officer, and be sworn by him, truly and indifferently to take the same, and to set down the Name of each voter, and the Place of his Abode, and for whom he shall Poll, and to poll no Person who shall not be sworn, or being a Quaker, shall not affirm, according to

ed by Knights of Shires. *Brad. Treat. de Burg.* 25 to 32. *Dugdale* mentions the second Summons, 22 *Edw.* 1. *Dugd. Sum. Parl.* 7.

* So it was done, *Anno* 49 *Hen.* 3. *Dugd. Sum. Parl.* 3. Burgesses were not afterwards summoned to Parliament till 22 or 23 *Edw.* 1. *Brad. Treat. de Burg.* 25, *&c. Dugd. Sum. Parl.* 7.

this Act: And every Person before he is admitted to poll at any Election of Citizens to serve in Parliament, shall take * Oath, [N°. X. of the Appendix] or being a Quaker, shall solemnly affirm the Effect thereof."

By *Sect.* 2. "All Persons having Right to vote at such Election shall (if required by any of the Candidates or any two of the Electors) take the Oaths in the Act of † 1 *Geo. stat.* 2. *c.* 13. *sect.* 1. for the Security of his Majesty's Person and Government, *&c.* or being a Quaker, affirm the Effect thereof; and the presiding Officers at such Elections, and such sworn Clerks, are impowered to administer the above-mentioned Oath; and if such presiding Officer or Clerk offend in the Premisses, he shall forfeit sixty Pounds besides Costs."

By *Sect.* 3. "If any Person shall falsely and corruptly take the said Oaths or Affirmations, and be thereof convicted by Indictment or Information, or if any Person shall corruptly procure or suborn any other Person to take the same, and shall be thereof convicted, the Offender shall suffer as Persons convicted of wilful and corrupt Perjury at common Law."

By *Sect.* 4. "If it be demanded at the above mentioned Election, the presiding Officer shall begin the Poll the Day it shall be demanded, or the next Day, and shall proceed therein therein from Day to Day, until such Poll be finished; and shall finish the Poll by Election by Livery-men within seven Days after the commencing the same; and, shall upon adjourning the Poll on each Day, seal up the Books with the Seals, and in the Presence of such of the Candidates or Persons deputed by them, as

* Refusing or neglecting to take the Oath, or being a Quaker, the Affirmation, makes the Poll or Vote of such Person void. *id ib.*

† See the Form of this Oath in the Appendix, N°. VII.

shall

ſhall deſire the ſame; and the Poll-books ſhall not be opened but at the Time and Place of Meeting; and after the Poll is finiſhed, the Poll-books ſhall, within two Days be opened at the Place of Election, and caſt up; and within two Days after the Numbers of the Votes ſhall be declared at the Place of Election; and if a Scrutiny be demanded, it ſhall be granted, and the Candidates ſhall nominate to the preſiding Officers any Number of Perſons qualified to vote, not exceeding ſix, to be Scrutineers, to whom the preſiding Officers ſhall within ſix Days, upon the Requeſt and at the Charge of the Candidates or Scrutineers, deliver a Copy, ſigned by ſuch Officers of the Poll; aud the Scrutineers upon ſuch Election ſhall begin within ten Days after the Delivery of the Copies of the Polls, and be proceeded upon Day by Day, and ſhall be finiſhed within fifteen Days after commencement; and the preſiding Officers ſhall within four Days after the finiſhing ſuch Scrutiny declare at the Place of ſuch Election which of the Candidates is duly elected, and the Number of legal Votes for each Candidate; and if the preſiding Officer, or any other Perſon, ſhall offend in the Premiſſes, ſuch Offender ſhall forfeit two hundred Pounds with Coſts, over and above all other Penalties."

By *Sect.* 5. " After any Election and Scrutiny, the preſiding Officer ſhall deliver under his Hand a Liſt of the Voters by him diſallowed, to any of the Candidates who ſhall demand the ſame, within ſix Days after ſuch Demand, ſuch Candidate paying for the ſame, provided no ſuch Liſt ſhall be given in Evidence."

By *Sect.* 6. " The Mayor of *London*, on Requeſt made by any Candidates or their Agents, at any Elections of Citizens to ſerve in Parliament, where a Scrutiny is granted, ſhall iſſue his Precepts, re-

quiring the Maſters and Wardens of the Livery Companies to cauſe their Clerks to return two Liſts of the Liverymen of their Companies; and the Clerks ſhall return ſuch Liſts upon Oath within three Days after the Receipt of ſuch Precepts, one of which Liſts the Mayor ſhall deliver to the Candidates on each Side, or their Agents."

By *Sect.* 14. " No Perſon ſhall have Right to vote at any Election by the Liverymen, who have not been upon the Livery twelve Kalendar Months, and who ſhall not have paid their Livery Fines, or who ſhall have received ſuch Fines back again in part or in all; or ſhall have had any Allowance in reſpect thereof; and no Perſon ſhall have a Right to vote who have within two Years next before requeſted to be, and have been diſcharged from paying Taxes, or have within that Time received *Alms*."

By *Sect.* 20. " All the Forfeitures hereby enacted ſhall be diſtributed; one Third to the King, one Third to the Chamberlain for the Uſe of the City, and the remaining Third to the Proſecutor who will ſue within ſix Kalendar Months after the ſame ſhall be incurred."

By *Sect.* 21. " This Act ſhall be a public Act."

4. *The Return.*

By Stat. 5 *Ric.* 2. *ſtat.* 2. *c.* 4. " If any Sheriff refuſes the Return of Writs of the Parliament, or leave out any Cities or Boroughs which of old Times were wont to come to Parliament, he ſhall be puniſhed as accuſtomed."

If any Sheriff refuſes the Return of the proper Officer, and accepts a Return by an improper Officer of the Corporation, it ſhall be amended by the Clerk of the Crown, by Order of the Houſe to file the proper Return, and take the other off the File.

If

If he makes a double Return, and one is waived and appears improper, it ſhall be amended by taking it off the File. 4 *Com. Dig.* 290.

By Stat. 7 *Hen.* 4. *c.* 15. "After the Knights of the Shires, the Names of the Perſons ſhall be written in an Indenture under the Seals of thoſe who did chuſe them, and tacked to the Writ, which Indenture ſhall be the Return: and in the Writs of Parliament this Clauſe ſhall be put;" "And your * Election in your full County † made, you ſhall without ‡ delay, diſtinctly ‖, and evenly cer-

* This Way of Election of new Members to ſerve in Parliament, gives a Liberty to the People to chuſe the fitteſt Perſons to ſerve them; and is a Spur to the Perſons elected, to endeavour to perform the better Service, that they may continue in the Favour of their Countrymen. 2 *Mor. Whitel. on Govern. chap.* 3. *fol.* 409.

† The Writ in this Place, ſaith only, in your full County, but the Word "*Court*" is to be underſtood, and ſignified by the Uſe of the Word "*County*," in this Place. *Mor. Whitel. on Govern. chap.* 37. *fol.* 340. See 2 *Mor. Whitel. on Govern. chap.* 112. *fol.* 411. *Black. Com.* 171.

‡ 2 *Mor. Whitel. chap.* 104. *fol.* 378.

‖ The Return of the Sheriff to be "diſtinctly and openly" made: "diſtinctly," that it may be ſeen who are choſen for the County, and who, for each diſtinct City and Borough; and the Return is to be open, that the Names may be known, and whether the Perſons choſen be returned, or not. That if they who are duly choſen, be not duly returned, they may proſecute the Remedy given them by Law, for that Injury. And it is neceſſary, that the Return be open, becauſe upon Complaint made to the Parliament of a falſe Return, the Houſe of Commons doth often ſend to the Clerk of the Crown in *Chancery* to bring the Return of a County, or City, (as there is Occaſion) to the Houſe, where it is ſometimes peruſed at the Barr, or at the Committee of Privileges; and being found to be falſe, or miſtaken, the Houſe many Times cauſeth the Return to be amended at the Barr, ſitting at the Houſe; and then it is a Record according to that Amendment. The having of it "openly," doth alſo agree with the Law of *England*, in other Caſes, that Records are to be open for all to ſearch and view, for all are concerned in them; and it is to be "open," becauſe it is to be tried only by itſelf. *Co. Lit.* 117. *b.* 260. *a.* and they admit

tify * under your † Seal and the Seals of them ‡ who were concerned § in that Election to us in

mit no Averrment, Plea, or Proof, to the contrary. The Return of the Sheriff is Part of a Record, and hath this Privilege, for the Consequence of it, to be reckoned amongst our Records of Parliament. 2 *Mor. Whitel. on Govern. chap.* 197. *fol.* 397.

* The "Sheriff must certify the King" of the Elections made in his Countey; and by his Certificate, the Persons who are to serve are certainly known; and so is the certain Number of them; and although the King may create as many as he pleases, to be Members of the Lords House, and give, by Patent, to as many Towns as he please, the Privilege of sending Burgesses to Parliament, and so encrease the Number of the Members of either House, according to his own Pleasure, yet, when he hath created those Peers, the certain Number of all the Peers must be known, as appears by the Rolls in *Chancery*; and after his granting the Privilege to Towns, the certain Number of all the Members of the House of Commons must appear, by the Certificates of the Sheriffs; else it cannot be known who are trusted with the great Power of being Members of the High Court and Council. 2 *Mor. Whitel. chap.* 103. *fol.* 372.

† It is very requisite that such an Officer, as the Sheriff is, should have a Seal belonging to his Office. 2 *Mor. Whitel.* 409.

‡ The Seals of the Electors must be affixed to the Indenture of Return, as well as the Seal of the Sheriff; and it is not perhaps necessary for every one of them to have a several and distinct Seal; but one Seal will serve for many, 8 *Hen.* 4. *fol.* 8. *pl.* Although twenty be named in a Deed; if it be sealed by one Seal, yet it is a good Deed. One may seal with the Seal of another Person, and the same is valid, as if he had sealed with his own proper Seal. There be many Cases in our Law, where the Seal of the Sheriff, and the Seals of others, are to be affixed to Returns, as in this Case of Return of the Election of Parliament Men; to the End, the King may have the fuller, more ample, and clearer Testimony and Certificate, of the Act done, *viz.* who are the Persons chosen; and that both by the legal Officer, who is intrusted to see the same done; and by the Freeholders, who are a Kind of Judges, and principal Actors in the Business. 2 *Mor. Whitel. cap.* 109. *fol.* 403, 404.

§ It is plain by the Words of the Writ, that the Seals of those who are present at the Choice, must be affixed to the Indenture of Election; which the Sheriff is to return into *Chancery* and usually, the Seals of the principal Gentlemen who are present

at

our Chancery at the Day *, and Place in the Writ contained."

By Stat. 23 *Hen.* 6. *c.* 14. *sect.* 1. "The Mayor and Bailiffs of Cities and Boroughs, shall return the Precept to the Sheriffs by Indentures between the Sheriff and them of the Elections, and of the Names of the Citizens and Burgesses chosen, and thereupon every Sheriff shall make return of such Writ, and

at the Election, are put to the Indenture; together also with some Seals of other Freeholders of less Rank, to testify the Generality of the Opinion of the Freeholders, in the Election. 2 *Mor. Whitel.* 408. The putting of every Man's Hand, who gave his Voice, to the Indenture, is but Matter of Direction (according to Sir *Edward Coke*) which was never done, and yet the Election never therefore thought void. *Debates of the Commons, Oxf. edit.* 1766. *p.* 23.

* All the said Knights, Citizens, and Burgesses, are to meet "at the said Day and Place," and to the End it may be known whom the several Counties, Cities, and Boroughs, have elected; and impowered according to this Writ, to serve for them in Parliament: therefore the Sheriff is to send in his Return, "at the said Day and Place." And the full Appearance of the Members of Parliament is held so necessary, that when some of them have failed to be "at the said Day and Place," the Parliament hath for that Cause been adjourned to another Day; and new Summons awarded, for those who were then absent. Sometimes the House hath been called, and the Names of those absent examined before the King; that such as made Default might abide the King's Order, sometimes, because certain Sheriffs had not returned their Writs; the Parliament was adjourned. Sometimes, Fines have been imposed, for not being present "at the Day and Place" appointed; whereof there are precedents; and, of the Adjournment of the Parliament, for absence of the Members. In the beginning of the Parliament Rolls, of very many of them constantly unto this Day, at the first Meeting of the Parliament, the Members are called by Name; and the Appearance of every one of them is recorded. The King usually creates some great Person Lord High Steward for that Day, and for that Purpose; and he makes his [1] Deputies, who sit to receive the Appearance of the Members of the House of Commons, and at this Day, the Appearance is not small as it hath been in Times of Trouble. 2 *Mo. Whitel. on Govern. chap.* 106. *fol.* 395.

[1] For the Form of the Deputation, see Appendix, No. XXXI.

of

of every Return by the Mayors and Bailiffs to him made. And every Sheriff that doth contrary to these Statutes for the Election of Knights, Citizens, and Burgesses, shall incur the Pain contained in the Statute 8 *Hen.* 6. *c.* 7. and moreover shall forfeit to every Person chosen Knight, Citizen, or Burgess, in his County, and not duly returned, or to any other which in default of such Knight, Citizen and Burgess, will sue, one hundred Pounds with Costs; and any Mayor and Bailiffs, *&c.* who shall return other than those which be chosen by the Citizens and Burgesses, shall forfeit to the King forty Pounds; and moreover shall forfeit to every Person chosen Citizen or Burgess, and not returned, or to any other which in default of such Citizen or Burgess will sue, forty Pounds, with Costs."

By *Sect.* 2. "Every Sheriff who maketh not true Return of such Elections, shall forfeit to the King one hundred Pounds, and also shall incur the Pain of one hundred Pounds, to him who will * sue against him, his Executors or Administrators, with Costs."

By Stat. 7 & 8 † *W.* 3. *c.* 7. *sect* 1. "All false Returns wilfully made, of any Member to serve in Parliament, are against Law; and in case any Person shall return any ‡ Member to serve in Parliament for any Place contrary to the last § Deter-

* Every Knight, Citizen, and Burgess, chosen and not returned, shall begin his Action of Debt within three Months after the Parliament commenced, to proceed in the same effectually, and if he do not, another who will sue shall have the Action. *Sect.* 3. If a Sheriff makes a false Return, Debt lies for the one hundred Pounds upon this Statute. *Pl. Com.* 118. 150.

† Perpetuated by 12 *An. sess.* 1. *c.* 15.

‡ But the Members returned by him are the sitting Members, until the House of Commons, upon a Petition, shall adjudge the Return to false and illegal. *Black. Com.* 174.

§ By Stat. 2 *Geo.* 2. *c.* 24. *sect.* 4. "Votes shall be deemed legal, which have been so declared by the last Determination of

mination in the Houſe of Commons, of the Right of Election in ſuch Place, ſuch Return ſhall be of a falſe Return."

By *Sect.* 2. "Every Perſon who ſhall be duly elected to ſerve for any Place, on ſuch falſe Return may ſue the Officers and Perſons making or procuring the ſame, or any of them, and ſhall recover double Damages with Coſts."

By *Sect.* 3. "If any Officer ſhall wilfully, falſely, and maliciouſly, return more Perſons than are required to be choſen by the Writ or Precept, the like Remedy may be had againſt him, and the Parties that willingly procure the ſame by the Party grieved."

By *Sect.* 4. "All Contracts and Securities given to procure any Return of any Member, ſhall be adjudged void; and whoever makes ſuch Contract or Security, or any Gift or Record, to procure ſuch falſe or double Return, ſhall forfeit three hundred Pounds, one third Part to his Majeſty, another third Part to the Poor of the County or Place concerned, and one third Part to the Informer, with Coſts, to be recovered in any of his Majeſty's Courts at *Weſtminſter*."

By *Sect.* 5. "The Clerk of the Crown ſhall enter in a Book every ſingle and double Return which ſhall come to his Hands, and every Alteration as ſhall be made by him or his Deputy in every ſuch Return; to which Book all Perſons ſhall have free Acceſſes to ſearch and take Copies, paying a reaſonable Fee; and the Parties proſecuting ſuch Suit may give in Evidence ſuch Book, or a Copy thereof relating to ſuch falſe or double Return, and ſhall have the like Advantage of ſuch Proof as they might have had by producing the Record itſelf:

of the Houſe of Commons, which Determination concerning any County, City, Borough, Cinque Port or Place, ſhall be final to all Purpoſes.

And

And in caſe the Clerk of the Crown ſhall not, within ſix Days after the Return ſhall come to his Hands, make ſuch Entry, or ſhall make any Alteration in any Return, unleſs by Order of the Houſe of Commons, or give any Certificate of any Perſon not returned, or ſhall wilfully neglect to perform his Duty in the Premiſſes, he ſhall forfeit to the Party grieved five hundred Pounds, and loſe his Office, and be for ever incapable of holding the ſame."

By *Sect.* 6. " Every Information or Action grounded upon this Statute, ſhall be brought within two Years after the Cauſe of Action ſhall ariſe."

The Houſe expects the Sheriff to make a Return according to Law, and will not give him Directions in caſe of Difficulty; though the Mayor to whom the Precept was directed dies, and yet the Burgeſſes go to Election, and Part return one by one Indenture, and the other Part return another by another Indenture. 4 *Com. Dig.* 29.

An Action upon the Caſe lies upon this Statute for a falſe Return, *Lutw.* 185. If the Plaintiff makes his Caſe purſuant to the Statute. *Salk.* 504. *pl.* But an Action upon the Caſe does not lie ſince this Statute, where the Return was conformable to the laſt Determination of the Houſe of Commons. *Lutw.* 189.

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 2. " Neither the Sheriff or his Under-ſheriff, nor the Mayor, Bailiff, Conſtable, Port-reeve, or other Officer, of any Borough, *&c.* to whom the Execution of any Writ or Precept for electing doth belong, ſhall pay or take any Fee for the making out, Receipt, Delivery, Return, or Execution, of any ſuch Writ or Precept."

By *Sect.* 6. " Every Sheriff, Under-ſheriff, Mayor, Bailiff and other Officer, to whom the Execution of any Writ or Precept ſhall belong

for electing Members, ſhall forthwith deliver to ſuch as ſhall deſire the ſame, a Copy of the Poll, paying a reaſonable Charge for Writing the ſame; and every Sheriff, *&c.* and other Officer to whom the Execution of any Writ or Precept for electing of Members doth belong, for every wilful Offence contrary to this Act ſhall forfeit to every Party grieved five hundred Pounds, to be recovered by him or his Adminiſtrators with Coſts."

By Stat. 10 & 11 *W.* 3. *c.* 7. *ſect.* 1. "The Sheriff or other Officer having the Execution and Return of any Writ for the Choice of a Member, ſhall, on or before the Day that any Parliament ſhall be called, and with all convenient Expedition, not exceeding fourteen Days after Election, make return of the ſame to the Clerk of the Crown in *Chancery* to be filed; and the Sheriff, *&c.* ſhall pay to the Clerk of the Crown the ancient Fees of four Shillings, for every Knight of a Shire, and two Shillings for every Citizen, Burgeſs or Baron of the *cinque Ports*, and have Allowance thereof in his Account."

By *Sect.* 3. "Every Sheriff, *&c.* who ſhall not make the Returns according to this Act, ſhall forfeit five hundred Pounds, one Moiety to his Majeſty, and the other Moiety to him that ſhall ſue for the ſame, in any of his Majeſty's Court at *Weſtminſter*."

II. SCOTLAND.

By Stat. 5 *Ann c.* 8. *ſect.* 1. *Art.* 3. "The united Kingdom ſhall be repreſented by one Parliament, to be ſtiled the Parliament of *Great Britain*."

By *Art.* 22. "Sixteen of the Peers of *Scotland*, at the Union, ſhall be the Number to ſit and vote in the Houſe of Lords; and Forty-five Commoners

moners ſhall be the Number to ſit and vote in the Houſe of Commons."

This being premiſed we will conſider this Diviſion under the following Subdiviſions, *viz.*

I. PEERS.

II. COMMONERS.

I. *Peers.*

This Subdiviſion admits of the following ones, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the elected.*
3. *The Manner of and Proceedings at the Election.*

1. *The Qualifications of the Electors of the Peers for* Scotland.

By *Stat.* 5 *Ann c.* 8. *ſect.* 12. "None ſhall be capable to elect, but ſuch as are twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* * contained in the third Act made in the eighth and ninth Seſſions of King *William*'s Parliament for preventing the Growth of Popery; and none ſhall be capable to elect, except ſuch as are now capable by the Laws of this Kingdom, to elect Commiſſioners for Shires or Burghs, to the Parliament of *Scotland.*"

By Stat. 6 *Ann. c.* 23. *ſect.* 3. "All the Peers who meet on the Proclamation for electing the ſixteen Peers of *Scotland*, ſhall, before they proceed to the Election, and in the Preſence of the Peers

* Which ſee in Appendix, N°. XXI.

assembled, take the Oaths of * Allegiance and † Supremacy, and shall also make and subscribe the ‡ Declaration in Stat. 30 *Car.* 2. *sect.* 2. and also take and subscribe the Oath of § Abjuration."

By *Sect.* 4. " Peers who live in *Scotland*, but not present at such Meeting, may take the Oaths, *&c.* in any Sheriff's Court in *Scotland*; and every Sheriff or his Deputy, before whom such Oaths, *&c.* shall be so made, shall return the original Subscription signed by the Peer, and make a Return in Writing under his Hand and Seal to the Peers so assembled of such Peers taking the Oaths, *&c.* and such Peer shall be thereby enabled to make a ‖ Proxy, or to send a signed List, containing the Names of the sixteen Peers for whom he giveth his Vote: And such of the Peers as reside in *England*, may take the Oaths, *&c.* in her Majesty's Court of *Chancery*, *Queen's Bench*, *Common Pleas*, or *Exchequer*, in *England*, which being certified by Writ to the Peers in *Scotland* at their Meeting, under the Seal of the Court, shall intitle such Peer to make his Proxy, and to send a signed List; and in case any of the Peers, who before the issuing of such Proclamation have taken the Oaths, *&c.* to be certified as aforesaid (and if taken in Parliament, to be certified under the Great Seal) shall at the Time of issuing such Proclamation be absent in the Service of her Majesty, such Peer may make his Proxy or send a List."

By Stat. 1 *Geo. stat.* 2. *c.* 13. *sect.* 17. " If any Peer shall vote or make his Proxy, not having

* See Appendix, N°. III. † Ibid. N°. IV.
‡ Ibid. N°. V. § Ibid. N°. VII.
‖ Provided that such Peers of *Scotland* as are also Peers of *England*, shall sign their Proxies by the Title of their Peerage in *Scotland*, *sect.* 5. No Peer shall be capable of having more than Two Proxies. *Sect.* 6.

taken and ſubſcribed the Oath of Abjuration, he ſhall be diſabled to vote at any Election."

By Stat. 16 *Geo.* 2. *c.* 11. *Sect.* 20. "One Perſon and no more, ſhall be intitled to vote, in reſpect of the ſame Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, ſuch Baron ſhall be intitled to vote for thoſe Lands; and no Vaſſal or Sub-vaſſal of the ſaid Baron ſhall have Right to vote in Reſpect thereof.

2. *The Qualifications of the elected Peers for* Scotland.

By Stat. 5 *Ann c.* 1. *ſect.* 8. *art.* 22. "Every one of the Lords of Parliament in all ſucceeding Parliaments of *Great Britain*, until that Parliament ſhall otherwiſe direct, ſhall take the Oaths * appointed to be taken inſtead of the Oaths of Allegiance and Supremacy by Stat. 1 *W. & M. ſtat.* 1. *c.* 8. and ſubſcribe and repeat the Declaration mentioned in Stat. 30 *Car.* 2. *ſtat.* and ſhall take and ſubſcribe the Oath in † Stat. 1 *Ann ſtat.* 1. *c.* 22."

By *Sect.* 12. "None ſhall be capable of being elected, but ſuch as are twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpect of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* contained in the third Act made in the eighth and ninth Seſſion of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable of being elected, except ſuch as are now capable by the Laws of this Kingdom to be elected as

* For the Form, ſee Append. N°. VII.

† See 6 *Ann c.* 7. *ſect.* 20, 21.

Com-

Commiſſioners of Shires or Burghs, to the Parliament of *Scotland*."

By Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 17. " If any Peer ſhall vote, or make his Proxy, not having taken and ſubſcribed the Oath of Abjuration, he ſhall be diſabled to ſue in any Court of Law, or to proſecute any Suit in Equity, or to be Guardian, Executor, or Adminiſtrator, or be capable of any Legacy or Deed of Gift, or to be in any Office in *Great Britain*, and ſhall forfeit five hundred Pounds to him who will ſue for the ſame by way of Summary Complaint, before the Court of Seſſion or Juſticiary in *Scotland*."

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 20. " One Perſon only ſhall be intitled to be elected, in Reſpect of the ſame Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, ſuch Baron ſhall be capable to be elected for thoſe Lands; and no Vaſſal or Subvaſſal of the ſaid Baron ſhall have Right to be elected in Reſpect thereof."

The Manner of & Proceedings at the Election of the Peers for Scotland.

By Stat. 6 *Ann c.* 23. *ſect.* 1. " When the Crown ſhall declare its Pleaſure for ſummoning any Parliament; in order to the electing the ſixteen Peers of *Scotland*, a * Proclamation ſhall be iſſued under the great Seal of *Great Britain*, commanding all the Peers of *Scotland* to aſſemble at *Edinburgh*, or ſuch other Place in *Scotland*, and at ſuch Time as ſhall be appointed in the Proclamation, to elect

* Every Proclamation for the Purpoſe aboveſaid ſhall be publiſhed at the Market-Croſs at *Edinburgh*, and in all the County Towns of *Scotland*, twenty-five Days before the Time appointed for the Meeting of the Peers, *ſect.* 2. For Form ſee Append. N°. XX.

the ſixteen Peers to ſit and vote in the Houſe of Peers in the Parliament of *Great Britain.* See *Art.* 22. in Stat. 5 *Ann c.* 8. *ſect.* 1."

By *Sect.* 7. " At ſuch Meeting of the Peers they ſhall all give in the Names of the Perſons by them nominated to ſit and vote in the Houſe of Peers, and the Lord Clerk Regiſter, or two of the principal Clerks of the Seſſion appointed by him to officiate in his Name, ſhall after the Election is made, certify the Names of the ſixteen Peers elected, and ſign the ſame in the Preſence of the Peers, which Certificate ſhall by the Lord Clerk Regiſter, or two of the principal Clerks of the Seſſions, be returned into Chancery before the Time appointed for the Meeting of the Parliament."

By *Sect.* 11. " In Caſe any of the ſixteen Peers ſhall die, or become legally diſabled to ſit in the Houſe of Peers, her Majeſty ſhall forthwith iſſue a Proclamation for electing another Peer of *Scotland*, to ſit in the Houſe of Peers in the room of ſuch Peer deceaſed or diſabled."

II. COMMONERS.

This Subdiviſion admits of the ſame as thoſe of Peers did, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *The Manner of & Proceedings at the Election.*

1. *Qualifications of the Electors of the Commoners for* Scotland.

By Stat. 5 *Ann c.* 8. *ſect.* 12. " None ſhall be capable to elect, but ſuch as are twenty-one Years of

of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* * contained in the third Act made in the eighth and ninth Seſſions of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to elect, except ſuch as are now capable by the Laws of this Kingdom, to elect as Commiſſioners for Shires or Burghs to the Parliament of *Scotland*."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. "No Conveyance or Right, whereupon Infeoffment is not taken, and Seiſin regiſtrated, one Year before the *Teſte* of the Writs for calling a new Parliament, ſhall, upon Objection made, intitle the Perſon infefft to vote, and in caſe any Election happen during the Continuance of a Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for ſuch Election, ſhall, upon Objection made, intitle the Perſon infeofft to vote, or be elected at that Election; and any of the Electors, ſuſpecting any Perſon to have his Eſtate in Truſt, and for the Behoof of another, may require the Preſes of the Meeting to tender any ‡ Oath to any Elector; and in Caſe ſuch Elector refuſe to ſwear and ſubſcribe the Oath, he ſhall not be capable of voting at ſuch Election."

By *Sect.* 3. No Infeoffment taken upon any redeemable Right (except proper Wadſets, Adjudications, or Appriſings, allowed by the Act of Parliament, relating to Elections in 1681,) ſhall

* For the Form, ſee Append. N°. XXI.

† By *Sect.* 2. Notwithſtanding ſuch Oath taken, ſuch other Objections may be made as are allowed by the Laws of *Scotland*, againſt ſuch Electors.

intitle the Person to vote at any Election in any Shire or Stewartry."

By *Sect.* 5. "The Right of Apparent Heirs in voting by Virtue of their Predecessor's Infeoffments, and the Right of Husbands by Virtue of their Wives Infeoffments, is reserved."

By *Sect.* 7. No Husbands shall vote by Virtue of their Wives Infeoffments, who are not Heiresses, or have not Right to the Property of the Lands."

By Stat. 10 *An. c.* 19. *sect.* 182. "No Commissioner, Officer, or other Person concerned in the managing any of the Duties granted by this Act (which is a Stamp Act) shall endeavour to persuade any Elector to give, or dissuade him from giving his Vote for his Choice of any Person to be Commissioners, and every Officer, or other Person offending therein, shall forfeit one Hundred Pounds, half to the Informer, and half to the Poor of the Place where the Offence is committed, to be recovered by any Person who shall sue for the same, in the Court of Exchequer in *Scotland*; and every Person convicted on any such Suit, shall be thereby incapable of bearing any Place of Trust."

By Stat. 1 *Geo. stat.* 2. *c.* 13. *sect.* 4. 17. "Every Person who shall refuse to take the Oath of * Abjuration, or being a Quaker, shall refuse to declare the Effect thereof upon his solemn Affirmation, (which Oath and Declaration the Member last Elected for any County, or Stewartry in *Scotland*, or in his Absence, the Sheriff or Steward's Clerk, until a Person be chosen to proceed † in the said Meeting according to *stat.* 3 *Car.* 2. *c.* 23. (of *Scottish* Acts) intitled, *An Act concerning the Election of Commissioners for Shires*, and after such Choice the Person so chosen to proceed, or any Person chosen

* The Form thereof, see Appendix No. VII.

† Examined with the Record.

to

to proceed in any Meeting of any County or Stewartry there, in which Rolls for Elections ſhall happen to be made up, ſhall adminiſter, at the Requeſt of any Candidate, or other Perſon preſent at ſuch Meeting for Election, before, or after chooſing the Preſident of the Meeting, or making up the Rolls, ſhall not be capable of giving any Vote for the Election of a Preſident of the Meeting, making up the Rolls, or if any Member to ſerve in the Houſe of Commons for any Place in *Scotland*, or Commiſſioner to chooſe a Burgeſs for any Place there.

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 2. " Every Freeholder who ſhall claim to vote at an Election, or in adjuſting the Rolls of Freeholders, inſtead of the Oath appointed by 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. ſhall upon Requeſt of any Freeholder formerly inrolled, take and ſubſcribe the Oath, N°. XXII. in the Appendix.

By *Sect.* 3. " In Caſe he refuſe, his Name ſhall be eraſed out of the Roll of Freeholders; and in Caſe any Perſon ſhall wilfully and falſly ſwear, and ſubſcribe the ſaid Oath, he ſhall incur the Puniſhment of Perjury, according to the Laws in *Scotland*."

By *Sect.* 11. " The Borough of *Wigtoun* ſhall preſide at the Election of a Member, to repreſent that Diſtrict in the next Parliament."

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 2. " Such Perſons as ſtand upon the Roll laſt made up by the Freeholders, whether at the *Michaelmas* Meeting, or at the laſt Election of a Member to ſerve in Parliament, ſhall be the original conſtituent Members at their next *Michaelmas* Meeting, or Meeting for Election, to reviſe the ſaid Roll."

By *Sect.* 3. " Any Freeholder upon the Roll, may object to the Title of any Perſon who ſtands at preſent upon the Roll laſt made up, and for that Purpoſe apply at any Time before the firſt of *De-*

cember, 1743, by ſummary Complaint to the Court of Seſſions, who ſhall grant a Warrant for ſummoning ſuch Perſons upon thirty Days Notice, and ſhall in a ſummary Way, hear and determine ſuch Complaint; and if no ſuch Complaint be exhibited within the Time aforeſaid, then no Freeholder, who at preſent ſtands upon the Rolls laſt made up ſhall be ſtruct off, or left out of the Roll, except upon Objections ariſing from the Alteration of that Title, in Reſpect of which he was inrolled, ſuſtained by the other Freeholders upon the Roll."

By *Sect.* 4. " If at any *Michaelmas* Meeting, or Meeting for Election, any Perſon ſhall by Judgment of the Freeholders be refuſed to be admitted, or be ſtruck out of the Roll, he may apply within four Kalendar Months by ſummary Complaints to the Court upon whoſe Objection he was refuſed or ſtruck off, upon thirty Days Notice to anſwer, and ſhall hear and determine in a ſummary Way on ſuch Complaint; and if any Perſon be inrolled, whoſe Title ſhall be thought liable to Objections, any Freeholder upon the ſaid Roll (whether preſent at the Meeting or not) may apply in like Manner by Complaint to the Court of Seſſion within four Kalendar Months, and the ſaid Court, after ſervice of ſuch Complaint on thirty Days Notice upon the Perſon ſaid to be wrongfully admitted to the Roll, ſhall hear and determine; and if no ſuch Complaint be exhibited within the Time aforeſaid, the Freeholder inrolled ſhall continue upon the Roll, until an Alteration of his Circumſtances be allowed by the Freeholders at a ſubſequent *Michaelmas* Meeting, or Meeting for Election, as a ſufficient Cauſe for ſtriking him out of the Roll."

By *Sect.* 5. " If in any of the aforeſaid Caſes the Judgment of the Court of Seſſion, ſhall alter or reverſe the Determination of the Meeting of the Freeholders, the Sheriff or Steward's Clerk ſhall,

upon

upon presenting to him the Extract of such Judgment, forthwith make the Alteration directed in the Books kept by him; and in case of refusal or delay, he shall forfeit one Hundred Pounds Sterling to the Person in whose favour the Judgment of the Court is given, to be recovered by him or his Executors.

By *Sect.* 6. "If the Judgment of the Freeholders refusing to admit, or striking off any Persons from the said Roll be affixed by the Court of Session, the Person complaining shall forfeit to the Objector the Sum of thirty Pounds Sterling, with Costs.

By *Sect.* 7. "Every Freeholder who intends to claim to be inrolled at any *Michaelmas* Meeting of the Freeholders, shall two Kalendar Months at least before the said Meeting, leave with the Sheriff or Steward's Clerk, a Copy of his Claim, setting forth the Names of his Lands and his Titles thereto, and Dates thereof, with the old Extent upon which he desires to be inrolled, and in case of his neglect he shall not be inrolled at such Meeting; and in like Manner, whoever intends to object to any Freeholder who stands upon the Roll, on account of the Alteration of his Circumstances, shall at least two Kalendar Months before the *Michaelmas* Meeting, leave his Objections in Writing, with the Sheriff or Steward's Clerk, who shall, upon receipt of the aforesaid Claim or Objections, indorse thereon, the Day he received the same, and also give a Copy to any Person, upon paying the legal Fee of an ordinary Extract of the same Length."

By *Sect.* 8. "No Person shall be intitled to vote for a Commissioner to serve in Parliament for any Shire or Stewartry in *Scotland*, or to be inrolled in respect of the old Extent of his Lands holden of the King or Prince, unless such old Extent is proved by a Retour of the Lands of a Date prior to the

the ſixteenth of *September*, 1681; and no Diviſion of the old Extent made ſince the ſaid ſixteenth of *September*, 1681, by Retour or any other Way ſhall be ſuſtained as Evidence of the old Extent."

By *Sect.* 9. " Lands holden of the King or Prince liable in public Burdens, for four hundred Pounds Scots, of valued Rent, ſhall be a ſufficient Qualification, whatever be the old Extent of the ſaid Lands."

By *Sect.* 10. " No Purchaſer or ſingle Succeſſor, ſhall be inrolled till he be publicly infeaſt, and his Seiſin regiſtered, or Charter of Confirmation be expede (where Confirmation is neceſſary) one Year before the Inrolment; and no Heir-apparent ſhall be inrolled, until his predeceſſor's Titles are produced and allowed by the Freeholders; and any Perſon may be inrolled, though abſent, provided the Titles and Vouchers of his Qualification are produced before the Freeholders."

By *Sect.* 11. " At the annual Meetings of Freeholders at *Michaelmas*, the original Conſtituent Members ſhall be ſuch only as ſtand upon the Roll laſt made up, at a *Michaelmas* Meeting for an Election of a Member to ſerve in Parliament, and a Copy ſigned and extracted of the Roll made up at the *Michaelmas* Meetings, or Meetings for Elections, together with the Minutes of the Proceedings, ſhall by the Clerks of ſuch Meetings be delivered to the Sheriff or Steward's Clerk *gratis*, and and ſhall be inſerted in Books to be kept by the ſaid Sheriff or Steward's Clerk for that purpoſe, who ſhall deliver Copies of the ſame extracted and ſigned to any Freeholder paying the legal Fee for an ordinary Extract of the ſame Length, and ſhall at every ſubſequent Meeting produce the ſaid Books, for the Uſe of the Freeholders; and in caſe ſuch Sheriff or Steward's Clerk neglect or refuſe to enter the aforeſaid Rolls of Election, or Minutes of

of Proceedings into Books ſo to be kept, or to give Copies thereof extracted and ſigned, or to produce the Books at any ſubſequent Meeting, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to be recovered by any Freeholder within ſuch Shire or Stewarty; and if the aforeſaid principal Books be not produced, a Copy of the ſaid Roll and Minutes, extracted and ſigned by the Sheriff or Steward's Clerk, ſhall be ſufficient; and if the Sheriff or Steward's Clerk give falſe Copies of the ſaid Roll or Minutes, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to the Perſon to whom the falſe Copy is given, to be recovered by him or his Executors, and ſhall be incapable of holding his ſaid Office."

By *Sect.* 12. "At every Election for any Shire or Stewartry in *Scotland*, the Roll of Electors laſt made up, whether at the *Michaelmas* Meeting, or at the laſt Election, ſhall be the Roll to be called over by the Commiſſioner laſt elected, or in his abſence by the Sheriff or Steward's Clerk, in order to the Election of Preſes and Clerk, as alſo by the Preſes after he is choſen, for the choice of the Member, and for the Determination of all Queſtions in adjuſting the Roll, and in the Courſe of the Election, excepting ſo far as the ſaid Roll ſhall after the Choice of Preſes and Clerk be altered by Judgment of the Freeholders ſtanding on that Roll."

By *Sect.* 19. "In the Shire of *Sutherland* no Perſon ſhall vote at ſuch Election unleſs he be infeoft and in poſſeſſion of Lands liable to his Majeſty's Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, valued Rent."

By *Sect.* 20. "One Perſon only ſhall be intitled to vote, in reſpect of the ſame Lands; and where Lands are now holden by any Freeholder immediately

ately of the King or Prince, ſuch Freeholder ſhall be intitled to vote for thoſe Lands; and no Vaſſal, or Subvaſſal of the ſaid Freeholder ſhall have Right to vote, in reſpect thereof; and where Lands are now holden or ſhall hereafter be holden of the King or Prince, by a Peer or other Perſon, or Body Politic, who by Law are diſabled to be a Member of the Houſe of Commons, or to vote in ſuch Elections, the Proprietor of ſuch Lands, and not any of his Superiors, ſhall be intitled to vote in reſpect of the ſame Lands; and no Alienation of the Superiority by ſuch Peer, *&c.* ſhall deprive the Proprietor of his Right to vote in the ſaid Shire; nor intitle the Purchaſer of the Superiority to vote; and the Property of Lands of the Valuation aforeſaid, holden in Part of the King or the Prince, and in Part of a Peer, or other Perſon, or Body Politic incapable to elect, or to be elected, ſhall be a Qualification to the Proprietor to vote."

By *Sect.* 25. "The Magiſtrates and Counſellors or Royal Boroughs in *Scotland*, may take and ſubſcribe the Oath of Allegiance, ſubſcribe the Aſſurance, and take and ſign the Oath of Abjuration, before the Counſel of their reſpective Boroughs."

By *Sect.* 29. "It is no Objection to any Commiſſioner for chooſing a Burgeſs, that he is not a Reſidenter within the Borough, bearing all portable Charges with his Neighbours, or that he is no trafficking Merchant therein, or that he is not in Poſſeſſion of any Burgage Lands or Houſes holding of the Borough, and ſuch Qualifications need not be engroſſed in his Commiſſion."

By *Sect.* 33. "The Electors of Commiſſioners for any Royal Borough in *Scotland*, for chuſing Burgeſſes to Parliament, are within the Meaning of the 2 *Geo.* 2. *c.* 24. to be conſidered as the Electors of the Member to ſerve in Parliament."

By *Sect.* 34. "At every Election of Commiſſioners

ſioners for chooſing Burgeſſes of the ſeveral Diſtricts of Boroughs in *Scotland*, and at the Election of a Burgeſs to ſerve in Parliament for the City of *Edinburgh*, every Magiſtrate, Town Counſellor or Perſon, having or claiming a Right to vote, inſtead of the Oath preſcribed by the ſaid Act, ſhall take the Oath [in Appendix, N°. XXIII.] in caſe the ſame be demanded by any of the Electors; and which any of the Magiſtrates, or in their abſence, any of the Town Counſel ſhall adminiſter."

2. *The Qualifications of the elected Commoners for* Scotland.

By Stat. 5 *Ann c.* 8. *ſect.* 1. *art.* 22. "Every Member of the Houſe of Commons, in all ſucceeding Parliaments of *Great Britain*, until the Parliament of *Great Britain* ſhall otherwiſe direct, ſhall take the Oaths * appointed to be taken inſtead of the Oaths of Allegiance and Supremacy, by 1 *Will.* and *Mar. ſtat.* 1. *c.* 8. and ſubſcribe and repeat the Declaration mentioned in 30 *Car.* 2. *ſtat.* 2. and ſhall take and ſubſcribe the Oath mentioned in 1 *Ann ſtat.* 1. *c.* 22."

By Stat. 5 *Ann. c.* 8. *ſect.* 12. "None ſhall be capable of being elected, but ſuch as are Twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch as being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* † contained in the third Act made in the eighth and ninth Seſſion of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to be elected, except ſuch as are now capable by the Laws of

* The Forms of theſe Oaths are altered by Stat. 1 *Geo.* 2. *ſtat.* 2. *c.* 13. *ſect.* 1, 2, 3. See Appendix, N°. VII.

† See Appendix, N°. XXI.

this

this Kingdom to be elected as Commiſſioners for Shires or Boroughs to the Parliament of *Scotland*."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. " No Conveyance or Right, whereupon infeoffment is not taken, and Seiſin regiſtrated, one Year before the *Teſte* of the Writs for calling a new Parliament, ſhall, upon Objection made, entitle the Perſon infeſt to be elected in any Shire or Stewartry in *Scotland*; and in caſe any Election happen during the continuance of Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for ſuch Election, ſhall, upon Objection made, intitle the Perſon infeſt to be elected at that Election; and any of the Electors, ſuſpecting any Perſon to have his Eſtate in Truſt, and for the behoof of another, may require the *Preſes* of the Meeting to tender an * Oath to any Elector; and in caſe ſuch Elector refuſe to ſwear, and ſubſcribe the Oath, he ſhall not be capable of being elected at ſuch Election."

By *Sect.* 3. " No Infeoffment taken upon any redeemable Right (except proper Wadſetts, Adjudications or Appriſings, allowed by the Act of Parliament relating to Elections in 1681.) ſhall intitle the Perſon to be elected in any Shire or Stewartry."

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 4. " No Judge of the Court of Seſſion, or Juſticiary, or Baron of the *Exchequer* in *Scotland*, ſhall be capable of being elected a Member of the Houſe of Commons."

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 10. " If any Perſon be choſen a Member to ſerve in Parlia-

* By *Sect.* 2. " Notwithſtanding ſuch Oath taken, it ſhall be lawful to make ſuch other Objections as are allowed by the Laws of *Scotland*, againſt ſuch Electors.

ment, for any Shire or Stewartry in *Scotland*, who ſhall not be preſent at the Meeting of Election; the Member ſo elected before he takes his ſeat in Parliament ſhall take the Oath appointed to be taken by Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 2. before the Lord Steward of his Majeſty's Houſhold, or any Perſon authorized by him; and if a Member ſo elected, neglect or refuſe to take the aforeſaid Oath, ſuch Election ſhall be void: And by Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 17. ſuch Member ſhall be diſabled to ſue in any Court of Law, or to proſecute any Suit in Equity, or to be Guardian, Executor, or Adminiſtrator, or be capable of any Legacy or Deed of Gift, or be in any Office in *Great Britain*, and ſhall forfeit five hundred Pounds, to him who will ſue by way of ſummary Complaint, before the Court of Seſſions or Juſticiary in *Scotland*. See Stat. 13 *Will.* 3. *c.* 6. *Sect.* 10, 11."

By *Sect.* 19. "In the Shire of *Sutherland* no Perſon ſhall be elected Commiſſioner for the ſaid Shire, unleſs he be infeoft and in Poſſeſſion of Lands liable to his Majeſties Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, value Rent."

By *Sect.* 20. "One Perſon only ſhall be intitled to be elected, in reſpect of the ſame Lands; and where Lands are now holden by any Freeholder immediately of the King or Prince, ſuch Freeholder ſhall be capable to be elected for thoſe Lands; and no Vaſſal or Subvaſſal of the ſaid Freeholder ſhall have Right to be elected in reſpect thereof; and where Lands are now holden or ſhall hereafter be holden of the King or Prince, by a Peer or other Perſon, or Body Politic who by Law are diſabled to be a Member of the Houſe of Commons, the Proprietor of ſuch Lands, and not any of his Superiors, ſhall be intitled to be elected in reſpect of the ſame Lands; and no alienation of the

the Superiority by ſuch Peer, *&c.* ſhall deprive the Proprietor of his Right to be elected, nor intitle the Purchaſer of the Superiority to be elected; and the Property of Lands of the Valuation aforeſaid, holden in Part of the King or Prince, and in Part of a Peer, or other Perſon, or Body Politic incapable to elect or to be elected, ſhall be a Qualification to the Proprietor to be elected for the ſaid Shire."

By *Sect.* 23. " No Perſon elected Magiſtrate or Counſellor by a Minority ſhall act as Magiſtrate or Counſellor; and if any Perſon notwithſtanding preſume to act, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to the Magiſtrates or Counſellors elected by the Minority, or to any of them who ſhall ſue for the ſame."

By Stat. 33 *Geo.* 2. *c.* 20. *ſect.* 3. " That Act requiring Members in future before they act, to deliver in at the Table, while the Houſe is ſitting, a ſigned Schedule of their reſpective Qualifications, ſhall not extend to the Members for *Scotland.*"

3. *The Manner of & Proceeding at the Election of the Commoners for* Scotland.

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 40. " When any new Parliament ſhall be called, the Lord Chancellor ſhall iſſue Writs for Election of Members to ſerve in Parliament for *Scotland* with as much expedition as may be; and in that Caſe, or in caſe of any vacancy during any Parliament, the Writs ſhall be delivered to the Sheriff to whom the Execution thereof belongs; and every ſuch Sheriff or Steward ſhall indorſe thereon the Day he received the ſame, and ſhall within four Days after the Receipt thereof, make out a Precept to each Borough within his Juriſdiction, to elect a Commiſſioner for chuſing a Burgeſs to ſerve in Parliament, and ſhall

ſhall cauſe the ſame to be delivered to the chief Magiſtrate of ſuch Borough, reſient in the Borough; and in caſe ſuch Sheriff or Steward neglect to indorſe on the Writ the Day he received the ſame, or to make out his Precept, and to deliver the ſame to the chief Magiſtrate, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to any Magiſtrate of the Borough to which the Precept is not *timouſly* * delivered, who ſhall ſue for the ſame."

By *Sect.* 41. "Such chief Magiſtrate to whom the Precept ſhall be delivered, ſhall indorſe thereon the Day he received the ſame, and within two Days ſhall ſummon the Council of the Borough together, by giving Notice perſonally, or leaving notice at the Dwelling-place of every Counſellor then reſient in that Borough, which Council ſhall then appoint a peremptory Day for the Election of a Commiſſioner for chooſing a Burgeſs to ſerve in Parliament."

By *Sect.* 42. "Two free Days ſhall intervene betwixt the Meeting of the Council which appoints the Day of Election of the ſaid Commiſſioners, and the Day on which the Election of the Commiſſioner is to be made; and in caſe ſuch chief Magiſtrate neglect to indorſe the Day he received the Precept on the back thereof, or to ſummon the Council within the Time above directed, he ſhall for every ſuch offence forfeit one hundred Pounds Sterling to any Magiſtrate or Counſellor of the ſaid Borough, who ſhall ſue for the ſame."

By Stat. 6 *Ann c.* 6. *ſect.* 5. "When any Parliament ſhall be ſummoned, the forty-five Repre-

* Lord *Bacon* makes uſe of the Word *timous* in this Senſe, but not the Adverb *timouſly*; ſo obſerve that you now have an Authority much ſuperior to Lord *Bacon's*, to uſe the Adverb *timouſly*, to mean, *in due Time*.

ſentatives of *Scotland* in the Houſe of Commons, ſhall be elected by Writs under the Great Seal of *Great Britain*, directed to the ſeveral Sheriffs and of the reſpective Shires and Stewartries, and the ſaid Sheriffs and Stewarts ſhall, on Receipt of ſuch Writs, forthwith give Notice of the Time of Election for the Knights or Commiſſioners for their Shires or Stewartries, and at ſuch Time of Election the ſeveral Freeholders ſhall meet at the head Burghs of their Shires and Stewartries, and proceed to the Election of their Commiſſioners or Knights, or the Clerks of the ſaid Meetings immediately after the Elections, ſhall return the Names of the Perſons elected to the Sheriff or Stewart, who ſhall annex to it his Writ, and return it into the Court out of which the Writ iſſued. And as to the Manner of Election of the fifteen Repreſentatives of the Royal Boroughs, the Sheriff of the Shire of *Edinburgh* ſhall, on the Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provoſt of *Edinburgh*, to cauſe a Burgeſs to be elected for that City; and on Receipt of ſuch Precept, the City of *Edinburgh* ſhall elect their Member, and their common Clerk ſhall certify his Name to the Sheriff of *Edinburgh*, who ſhall annex it to his Writ, and return it; and as to the other Royal Burghs divided into fourteen Diſtricts, the Sheriffs or Stewarts of the ſeveral Shires and Stewartries, ſhall on the Receipt of their Writs, direct their Precepts to every Royal Borough, reciting the Contents of the Writ, and the Date thereof, and commanding them forthwith to elect each of them a Commiſſioner, and to order the ſaid Commiſſioners to meet at the preſiding Borough of their Diſtrict (naming the Borough) upon the thirtieth Day after the *teſte* of the Writ, unleſs it be *Sunday*, and then the Day after, and then to chuſe their Burgeſs for the Parliament; and the common Clerk of the preſiding Borough ſhall immediately

mediately after the Election return the Name of the Perſon elected to the Sheriff or Stewart of the Shire or Stewartry wherein ſuch preſiding Borough is, who ſhall annex it to his Writ, and return it, and in caſe a Vacancy ſhall happen in time of Parliament, by the Deceaſe or legal incapacity of any Member, a new Member ſhall be elected in his Room, conformable to the Method herein appointed: and in caſe ſuch Vacancy be of a Repreſentative for any one of the ſaid fourteen Diſtricts or Royal Boroughs, that Borough which preſided at the Election of the deceaſed or diſabled Member, ſhall be the preſiding Borough at ſuch new Election."

By *Sect.* 6. "Upon the iſſuing of Writs of ſummons for the electing of a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a Turn or Right to elect a Commiſſioner, or Knight of the Shire for that Parliament, it ſhall be omitted out of the Writ directed to ſuch Sheriff or Stewart, to cauſe a Commiſſioner for that Shire to be elected."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 4. "All Sheriffs of Shires and Stewarts of Stewartries ſhall be obliged (under the Pain of fifty Pounds, one Moiety to the Queen, and the other to the Perſon who ſhall ſue, to be recovered before the Court of Seſſion, by any Action ſummarily, without abiding the Courſe of the Roll) to make the public Intimations required by the Laws of *Scotland* at the Pariſh Churches, at leaſt three Days before the Dyet of Elections."

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 1. and by *ſtat.* 16 *Geo.* 1. *c.* 11. *ſect.* 16. "If the Clerk of any Meeting of Freeholders for the Election of a Commiſſioner to ſerve in Parliament for any Shire or Stewartry in *Scotland*, ſhall wilfully return to the Sheriff or Stewart any Perſon, other than him who

ſhall be duly elected, or if any other Perſon pretending to be Clerk, ſhall return any Perſon as elected, who ſhall not be duly elected, the Party offending ſhall forfeit * five hundred Pounds, to be recovered by the Candidate elected."

But *quere* whether the firſt Clauſe in Stat. 7 *Geo.* 2. is in Force at this Day, ſince by Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 14. " The Perſons choſen to be *Preſes* and Clerk by the Majority of the Freeholders preſent on the ſaid Roll, ſhall be *Preſes* and Clerk of the Meeting for ſuch Election; and no Freeholders ſhall ſeparate from the Majority of the Perſons preſent upon the Roll, or ſet up any Perſon as *Preſes* or Clerk other than thoſe choſen by the Majority, and no Perſon ſhall act as *Preſes* or Clerk at any ſuch Election, unleſs they are choſen by the Majority of the Perſons on the Roll; and every Freeholder who ſhall ſo ſeparate from the Majority, and ſet up any Perſon as *Preſes* or Clerk other than thoſe choſen by the Majority, ſhall for every ſuch Offence forfeit fifty Pounds Sterling, to the Candidate who ſhall be choſen by the Majority, to be recovered by him or his Executors; and if any Perſon preſume to act as *Preſes* or Clerk, who is not choſen by the Majority of the Freeholders preſent on the Roll, he ſhall for every ſuch Offence forfeit two hundred Pounds Sterling to the Candidate who ſhall be choſen by the Majority to be recovered by him or his Executors."

* By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 30. " If he neglect or refuſe to return ſuch Perſons, or returns any other Perſon, he ſhall, for every ſuch Offence, inſtead of the Penalty inflicted by *ſtat.* 7 G. 2. *c.* 16. *ſect.* 1. forfeit five hundred Pounds Sterling to the Candidate elected by the Majority, to be recovered by by him or his Executors, and he ſhall alſo ſuffer Impriſonment for ſix Kalendar Months, and be diſabled to hold his ſaid Office of common Clerk of the ſaid preſiding Borough. It ſeems that *inſtead of*, ſhould be *beſides*. See Stat. 7 *Geo.* 2. *c.* 11. *ſect.* 8. for the Recovery of Penalties, ſee *ſect.* 6. 9, and 10. of the ſame Statute."

By

By Stat. 16 *Geo.* 2. *c.* 11. *sect.* 28. " Whereas by an Act of Parliament in *Scotland*, of the fifth of *February*, 1707, it is enacted, that where the Votes of the Commissioners for the Boroughs meet to choose Representatives shall be equal, the President of the Meeting shall have a casting Vote, but no Provision is made in case of the Absence of the Commissioner from the presiding Borough, or of his refusing to vote, be it enacted, that if the Commissioner from the presiding Borough be absent from the Meeting of Commissioners for choosing Burgesses to serve in Parliament, or refuse to vote, the Commissioner from the Borough which was the presiding Borough, at the last Election, and if he also be absent or refuse to vote, the Commissioner from the Borough, which was the presiding Borough at the Election immediately preceding the last, and in case he be absent or refuse to vote, the Commissioner from the Borough which was the last presiding Borough but Two, shall have besides his own Vote the casting Vote."

By *Sect.* 30. " At all Meetings of Commissioners for choosing Burgesses to serve in Parliament, the common Clerk of the presiding Borough shall allow the Votes of such Persons only who produce Commissions, authenticated by the Subscription of the Common Clerk, and the Common Seal of the respective Boroughs, and shall return to the Sheriff or Steward, the Person elected by the Major Part of such Commissioners."

By *Sect.* 32. " If any Person to whom any Commission is made as aforesaid, insist that he was duly elected Commissioner for any Royal Borough, he shall be admitted to the Meeting of the Commissioners for chusing Burgesses to serve in Parliament, and may there make offer of taking the Oaths, and declare for whom he would have voted: which Oaths the Clerk of the presiding Bo-

rough ſhall adminiſter, and ſhall ſet down in the Minutes of the Proceedings the Declaration of ſuch Perſon, but ſhall not receive him as a legal Voter or ſuch Declaration as a legal Vote."

By *Sect.* 43. " Every Penalty or Forfeiture by this Act impoſed in *Scotland*, ſhall be ſued for and recovered by way of ſummary Complaint before Court of Seſſion, upon thirty Days Notice to the Perſon complained of, without abiding the Courſe of any Roll; which Complaint the Court of Seſſion ſhall determine, and declare the diſabilities and incapacities, and direct the Impriſonments, as herein provided."

By *Sect.* 44. " No Perſon ſhall be liable to any Incapacity, Diſability, Forfeiture, or Penalty, by this Act impoſed in *Scotland*, unleſs Proſecution be commenced within one Year ſuch Incapacity, *&c.* incurred."

By *Sect.* 13 " At every Meeting for the Election of a Commiſſioner to ſerve in Parliament, if the Commiſſioner laſt elected, or in his abſence the Sheriff or Steward's Clerk, ſhall, in the Choice of *Preſes* or Clerk, receive the Vote of any Perſon not upon the Roll, he ſhall, for every ſuch Offence forfeit three hundred Pounds Sterling, to every Candidate for the Office of *Preſes* or Clerk, for whom ſuch Perſon ſhall not have given his Vote, to be recovered by him, or if the Commiſſioner laſt elected, or the Sheriff or Steward's Clerk, ſhall in the Choice of *Preſes* or Clerk, not call for, or refuſe the Vote of any Perſon whoſe Name is upon the Roll, he ſhall for every ſuch Offence forfeit three hundred Pounds Sterling to the Perſon whoſe Name ſhall not be called for, or whoſe Vote ſhall be refuſed, to be recovered by him or his Executors; and if the *Preſes* in the Election of the Member to ſerve in Parliament, receive the Vote of any Perſon not

upon

upon the Roll, he ſhall for every ſuch Offence forfeit two hundred Pounds Sterling, to every Candidate for whom ſuch Perſon ſhall not have given his Vote, to be recovered by him or his Executors, or if the *Preſes* ſhall in the Election of the Member, not call for or refuſe the Vote of any Perſon whoſe Name is upon the Roll, he ſhall for every ſuch Offence, forfeit two hundred Pounds to him whoſe Name ſhall not be called for, or whoſe Vote ſhall be refuſed, to be recovered by him or his Executors: And in caſe of equality of Votes in the Choice of *Preſes* or Clerk, the Commiſſioner laſt elected, and in his abſence any Freeholder preſent who laſt repreſented the Shire or Stewartry in any former Parliament, and if no ſuch Perſon is preſent, the Freeholder preſent who preſided laſt at any Meeting for any Election, and in his abſence the Freeholder who laſt preſided at any *Michaelmas* Meeting, and if none of the ſaid Perſons be preſent, the Freeholder preſent who ſtands firſt on the Roll, ſhall, beſides their own Votes, have the caſting Vote; and the *Preſes* choſen ſhall, in the Choice of the Commiſſioner to ſerve in Parliament, and all other Queſtions where where the Votes are equal, in like Manner, beſides his own Vote, have the caſting Vote."

By *Sect.* 15. "The Commiſſioner laſt elected, or in his abſence the Sheriff or Steward's Clerk, ſhall ſign the Minutes of the Election of *Preſes* and Clerk, and deliver the ſame to the Clerk choſen as aforeſaid; and if the Commiſſioner laſt elected, or the Sheriff or Steward's Clerk, neglect or refuſe to ſign the ſaid Minutes, and deliver the ſame to be choſen as aforeſaid, or ſign falſe Minutes, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling to the *Preſes* to be recovered by him or his Executors."

By *Sect.* 17. "Every Sheriff or Steward in *Scotland*, upon producing to him a Copy of the Roll

laſt made up by the Freeholders at the laſt *Michaelmas* Meeting, or at the laſt Election, extracted and ſigned by the Sheriff or Steward's Clerk, and the original Minutes of the Election of *Preſes* and Clerk ſigned by the Commiſſioner laſt elected, or in his abſence by the Sheriff or Steward's Clerk, ſhall annex to the Writ the Return made by the Clerk, choſen by the Majority of the Freeholders on the Roll; and if any Sheriff or Steward neglect or refuſe to annex to the Writ ſuch Return, or ſhall annex the Return made by any other Perſon pretending to be Clerk, he ſhall for every ſuch Offence, inſtead of the Penalty inflicted by 7 *Geo.* 2. *c.* 16. *ſect.* 1. forfeit five hundred Pounds Sterling, to the Perſon returned by the Clerk and choſen by the Majority of the Freeholders, to be recovered by him or his Executors."

By *Sect.* 18. "Every Sheriff or Steward in *Scotland*, ſhall hold the *Michaelmas* head Court on the Day on which it has been moſt uſually held, and every Sheriff or Steward ſhall fourteen Days before *Michaelmas* next, appoint a Day for holding his *Michaelmas* head Court, in the Year 1743; and the Day ſo appointed before *Michaelmas* next, ſhall be the Anniverſary for holding the *Michaelmas* head Court of the ſaid Shire or Stewartry in all Time coming."

By *Sect.* 21. "The Freeholders and Proprietors having Right to elect, or to be elected, for the Shire of *Sutherland*, ſhall meet at the head Borough of the ſaid Shire, at the *Michalmas* head Court in the Year 1745, and ſhall make up a Roll of the Electors having Right to vote in the Terms of this Act, and of the other Acts touching the Election of Commiſſioners for Shires in *Scotland*; which Roll, ſo made up, ſhall be reviſed yearly at the *Michaelmas* Meeting, and at after Elections; and the ſaid Acts ſhall extend to the Shire of *Suther-*

land

land as well as to the Shires in *Scotland*, except so far as is otherwise * provided in this Act.

By *Sect.* 22. " At the anual † Election of Magistrates and Counsellors in Boroughs, and in all the Proceedings previous to such Election, the Minority either of Magistrates or Counsellors, or Deacons, or other Persons who have Votes in the Election of Magistrates or Counsellors, shall not separate from the Majority; nor make any separate Election of Magistrates, Counsellors or Electors; and if any Person elected by the Minority presume to vote in the Election of Magistrates or Counsellors, or in electing the Magistrates or Counsellors, or in any other Step of the Election, he shall forfeit one hundred Pounds Sterling, to any One of the Majority of such Meeting."

By *Sect.* 24. " Any constituent Member at any Meeting for Election of Magistrates or Counsellors, or of any Meeting previous thereto, who apprehends any wrong to have been done by the Majority of such Meeting, may apply to the Court of Session by a summary Complaint for rectifying such Abuse, or for making void the Election by the Majority, or for ascertaining the Election by the Minority, so as such Complaint be presented within two Kalendar Months after the annual Election of the Magistrates and Counsellors; and the said Court shall thereupon grant a Warrant for summoning the Magistrates and Counsellors elected by the Majority, upon thirty Days Notice, and shall hear and determine the said Complaint summarily, without abiding the Course of any Roll, and shall allow to the Party who shall prevail, their Costs."

* See *Sect.* 19. of this Act, in P. 79.

† Stat. 2 *Geo.* 2. *c.* 24. is to be read by the Sheriff, *&c.* after reading the Writ, at the annual Election of Magistrates and Town Counsellors for every Borough in *Scotland*. See *Sect.* 9. of the same Statute.

By

By *Sect.* 26. " At every Election of Commiſſioners for chuſing Burgeſſes for any Diſtrict of Boroughs in *Scotland*, the Common-clerk of each Borough ſhall make out a Commiſſion to the Perſon choſen by the Major Part of the Magiſtrates and Town-council; which Magiſtrates and Town-council ſhall take the Oath of Allegiance, and ſign the ſame with the Aſſurance, and ſhall take all the the other Oaths appointed to be taken at ſuch Election by this or any former Act, if required; and the ſaid Clerk ſhall affix the Common Seal of the Borough thereto, and ſign ſuch Commiſſion, and ſhall not make out a Commiſſion for any Perſon as Commiſſioner, other than him who is choſen by the Majority; and if any Common-clerk of any Borough neglect or refuſe to make out ſuch Commiſſion, or to make out a Commiſſion to any other Perſon, he ſhall for every ſuch Offence forfeit five hundred Pounds Sterling to the Perſon elected Commiſſioner, to be recovered by him or his Executors, and ſhall ſuffer Impriſonment for ſix Kalendar Months, and be diſabled to hold the ſaid Office of Common-clerk of the ſaid Borough."

By *Sect.* 27. " If any Perſon who is not the Common-clerk of the Borough, take upon himſelf to act as ſuch in any Election of a Commiſſioner for chuſing a Burgeſs for any Diſtrict of Boroughs in *Scotland*, and make out a Commiſſion for any other Perſon as Commiſſioner, other than the Perſon choſen by the Majority, and ſign or affix the Common Seal of the Borough thereto, he ſhall for every ſuch Offence forfeit five hundred Pounds Sterling, to the Commiſſioner for the ſaid Borough, to be recovered by him or his Executors."

By *Sect.* 31. " Every Sheriff or Steward in *Scotland* ſhall annex the Writ the Return made by the ſaid Clerk of the preſiding Borough; and if any ſuch

ſuch Sheriff or Steward neglect or refuſe ſo to do, or if he annex to the Writ any Return made by any other Perſon, he ſhall for every ſuch Offence, inſtead of the Penalty inflicted by 7 *Geo.* 2. *c.* 16. *ſect.* 48. forfeit five hundred Pounds to the Candidate returned by the aforeſaid Clerk of the preſiding Borough, to be recovered by him or his Executors."

By *Sect.* 35. "In all Elections of Commoners for chuſing Burgeſſes, and before they proceed to Election, the common Clerk of each Borough ſhall take and ſubſcribe the Oath [N°. XXV. of Appendix) which any of the Magiſtrates, or in their Abſence, any two of the Town Counſel ſhall adminiſter."

And at all Meetings for chuſing Burgeſſes to ſerve in Parliament, before they proceed to the Election, the Clerk of the preſiding Borough ſhall take and ſubſcribe the Oath (N°. XXIV. of Appendix) which the Commiſſioner for the preſiding Borough, or in his Abſence, any other of the Commiſſioners ſhall Adminiſter.

By *Sect.* 36. "If the Clerk of the preſiding Borough neglect, or refuſe to take the Oath aforeſaid, he ſhall be incapable to act as Clerk to the ſaid Meeting; and the ſaid Commiſſioners ſhall chooſe another Clerk."

By *Sect.* 37. "At all Elections of a Member to ſerve in Parliament for any County, or Stewartry, in *Scotland*, the Clerk ſhall after his Election, take and ſubſcribe the Oath (N°. XXV. of Appendix) which the *Preſes* of the Meeting ſhall adminiſter."

By *Sect.* 39. "If any Perſon preſume wilfully and falſly to ſwear and ſubſcribe any of the Oaths required to be taken by this Act, and be convicted, he ſhall incur the Pains and Puniſhments of Perjury, and be proſecuted according to the Laws of *Scotland*."

III. WALES.

III. WALES.

By Stat. 35 *Hen.* 8. *c.* 11. *sect.* 3. "The Burgesses of all the Cities and Towns in the twelve Shires in *Wales* and County of *Monmouth*, which be contributory to the Burgesses Wages of the Shire Towns, shall be admonished by Proclamation, or otherwise by the Mayors, Bailiffs, or other head Officers, to come and give their Elections for the said Burgesses at such Time and Place reasonable, as shall be assigned by the Mayors, *&c.* of the Shire-Towns, in which Elections, the Burgesses shall have like Voices to elect the Burgesses of the Shire-Towns, as the Burgesses of the Shire-Towns have." See Stat. 18 *Geo.* 2. *c.* 18. *sect.* 12. 31 *Geo.* 2. *c.* 14. 3 *Geo.* 3. *c.* 15.

DETERMINATIONS

OF THE

HONOURABLE HOUSE

OF

COMMONS,

CONCERNING

ELECTIONS,

AND ALL THEIR

INCIDENTS;

AS

The Iſſuing of the WRIT, the Taking of the POLL, the SCRUTINY, the RETURN, the Qualifications of the ELECTORS and ELECTED, OATHS to be taken, RIGHTS of ELECTION in the ſeveral CITIES and BOROUGHS, EVIDENCE proper on HEARING, DISQUALIFICATION by OFFICES, BRIBERY, TREATING, RIOTS.

THE WHOLE

DIGESTED UNDER PROPER TITLES;

ALSO

A TABLE OF THE PRINCIPAL MATTERS.

THE FOURTH EDITION,
Continued down to the End of the Seſſion of Parliament, 1767.

LONDON:

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MDCCLXVIII.

DETERMINATIONS ON ELECTIONS.

Abingdon.

Martis, 18 *die Januarii*, 1708.

Resolved,

THAT the Right of electing a Burgess to serve in Parliament for the Borough of *Abingdon*, is in the Inhabitants paying Scot and Lot, and not receiving Alms, or any Charity.

Agmondesham.

Sabbati, 11 *die Decemb.* 1680.

1. *Resolved*, That in the Borough of *Agmondesham*, alias *Amersham*, in the County of *Bucks*, those Inhabitants only who pay Scot and Lot have Right to give Voices in the Election of Burgesses to serve in Parliament for the said Borough.

Sabbati, 1 *die Decembris*, 1705.

2. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Agmondesham*

Agmondesham in the County of *Bucks*, is in the Inhabitants paying Scot and Lot only.

Ailesbury.

Martis, 28 *die Januarii*, 1695.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Ailesbury*, in the County of *Bucks*, is in all the Housholders of the said Borough, not receiving Alms.

Martis, 7 *die Februarii*, 1698.

2. *Resolved*, That all Persons receiving Alms within the Borough of *Ailesbury*, pursuant to the Will of Mr. *Bedford*, or any other Persons receiving any other Charity annually distributed in the same Town, are, in respect thereof, disabled to vote in the Election of Burgesses to serve in Parliament for the said Borough.

This was altered from what the Committee reported, and agreed to by the House.

St. Albans.

Lunæ, 10 *die Martis*, 1700.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *St. Albans*, is in the Mayor, Aldermen, and Freemen, and such Housholders only as pay Scot and Lot.

Sabbati, 24 *die Novembris*, 1705.

2. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and such Freemen only, as have a Right

to

to Freedom by Birth or Service, or have it by Redemption, in order to trade, or inhabit within the said Borough, and in the Householders paying Scot and Lot.

Martis, 27 *die Aprilis*, 1714.

3. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and Freemen, and such Householders only as pay Scot and Lot.

Aldborough in Suffolk.

Veneris, 23 *die Decembris*, 1709.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Aldborough*, in the County of *Suffolk*, is in the Bailiffs, Burgesses and Freemen, not receiving Alms.

Jovis, 16 *die Junii*, 1715.

2. Mr. *Hampden*, (according to Order) reported from the Committee as follow,

Resolved, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is not in the Bailiffs, Burgesses, and Freemen of the said Borough not receiving Alms.

Resolved, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is in the Bailiffs and Burgesses resident within the said Borough, and not receiving Alms.

Here are four more Resolutions; who are, and who are not duly elected, &c.

The first four of the said Resolutions being severally read a second Time, the same were upon the Question severally put thereupon, disagreed unto by the House.

Aldborough in Yorkshire. See Capacity.

Jovis, 15 *die Maii*, 1679.

1. *Resolved*, That all the Inhabitants of the Borough of *Aldborough* in the County of *York*, paying Scot and Lot, have only Right to vote in electing Members of Parliament for the said Borough.

Sabbati, 17 *die Maii*, 1690.

2. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Aldborough*, in the County of *York*, is not only in the select Number of Burgesses holding by Burgage-Tenure in the said Borough.

3. *Resolved*, That all the Inhabitants of the said Borough of *Aldborough*, paying Scot and Lot, have Right to vote in electing of Members of Parliament for the said Borough.

Alien. See Capacity.

Jovis, 22 *die Decembris*, 1698.

On a Hearing for Westminster:

1. *Resolved*, *Nemine contradicente*, That no *Alien*, not being a *Denizen*, or naturalized, hath any Right to vote in Elections of Members to serve in Parliament.

Alms.

Alms.

Mercurii, 8 *die Januarii*, 1689.

1. *Resolved*, That those who receive Alms according to the Act of Parliament for the Relief of the Poor, have no Voices in Election of Burgesses to serve in Parliament for the Borough of *Abingdon*.

2. *Resolved*, That those Inhabitants who receive any constant Alms, Weekly, Monthly, Quarterly, or yearly, have no Voices in such Elections.

3. *There are many Votes, in the Cases of other Corporations, to the like Effect.*

Andover.

Jovis, 28 *die Januarii*, 1702.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Andover* in the County of *Southampton*, is in the Bailiff and select Number of Burgesses only.

Jovis, 7 *die Martii*, 1727.

2. *Ordered*, That the approved Men and Burgesses of the Borough of *Andover* (in *Com. Southampton*) who have petitioned this House, complaining of an undue Election and Return for the said Borough, and that their Votes were refused by the Bailiff, be at liberty to withdraw their said Petition.

Arundel.

Jovis, 22 *die Februarii*, 1693.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of

Arundel in the County of *Sussex*, is only in the Inhabitants of the said Borough paying Scot and Lot.

Ashburton.

Jovis, 26 *die Februarii*, 1707.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Ashburton*, in the County of *Devon*, is in the Freeholders having Lands or Tenements holden of the said Borough only.

Sabbati, 17 *die Martii*, 1710.

1. *Resolved*, That the Freeholders of the Lands and Tenements, called *Halshanger* and *Holwell* Lands, lying within the Borough of *Ashburton*, and subject to pay a Borough Rent, have Right to vote for Members to serve in Parliament, for the said Borough of *Ashburton*.

Banbury.

Martis, 29 *die Decembris*, 1691.

1. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Banbury*, is in the Mayor, Aldermen, and capital Burgesses of *Banbury* only.

Bath.

Lunæ, 27 *die Januarii*, 1706.

1. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Bath*, in the County of *Somerset*, is in the Mayor, Aldermen, and Common-council only.

Martis,

Martis, 22 *die Junii*, 1742.

2. The House being informed that General *Wade* (a Member of this House) hath, since his Election to serve in this present Parliament, for the City of *Bath*, in the County of *Somerset*, accepted the Office of Lieutenant General of his Majesty's Ordnance; and the Opinion of the House being desired, whether by the Acceptance of the said Office, his Seat in Parliament become void;

And a Motion being made, and the Question being proposed, that the accepting the Office of Master General, or Lieutenant General, of his Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House;

The House was moved, that the twenty eighth Section of an Act made in the sixth Year of the Reign of Queen *Ann*, intitled *An Act for the Security of her Majesty's Person and Government, and of the Succession of the Crown of* Great Britain *in the Protestant Line*, might be read:

And the same being read accordingly;

And the Question being put, that the accepting the Office of Master General, or Lieutenant General, of his Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House;

It passed in the Negative, *Nemine Contradicente*.

Beaumaris.

Sabbati, 18 *die Februarii*, 1709.

1. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Beaumaris* in the County of *Anglesey*, is in the

Mayor, Bailiffs, and Capital Burgesses of *Beaumaris* only.

Mercurii, 3 *die Martii*, 1729.

2. *Resolved*, that the Right of electing a Burgess to serve in Parliament for the Borough of *Beaumaris*, in the County of *Anglesey*, is in the Mayor, Bailiffs, and Capital Burgesses only of the said Borough of *Beaumaris*.

Bedford-Town.

Sabbati, 12 *die Aprilis*, 1690.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Bedford*, is in the Burgesses, Freemen, and Inhabitants, being Householders of *Bedford*, not receiving Alms.

Great Bedwin.

Mercurii, 26 *die Martii*, 1729.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Great Bedwin*, in the County of *Wilts*, is in the Freeholders and Inhabitants of ancient Burgage Messuages.

Berealston.

Martis, 6 *die Junii*, 1721.

1. *Resolved*, *Nemine contradicente*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Berealston* in the County of *Devon*, is in the Freehold Tenants of the said Borough, holding by Burgage-Tenure, and paying three Pence *per Annum*, or more ancient Burgage-

gage-Rent to the Lord of the ſaid Borough, and in them only.

2. The Houſe being acquainted, that an Indenture of Return, ſigned by the Freehold Tenants of the ſaid Borough, had been tendered to the Port-Reve of the ſaid Borough, at the Time of the Election, but that he refuſed to accept the ſame; and that one of the Perſons who had ſigned and tendered the ſaid Indenture to the Port-Reve, was at the Door:

The ſaid Perſon was called in and examined, and delivered the ſaid Indenture in to the Clerk of the Houſe; and the ſame was read at the Table.

And the Clerk of the Crown attending the Houſe in his Place (according to Order) with the Return for the ſaid Borough;

Ordered, That the Clerk of the Crown do take off from the Writ the Indenture, by which *Philip Cavendiſh*, Eſq; is returned to ſerve for the ſaid Borough.

3. *Ordered*, That the Port-Reve of the ſaid Borough of *Berealſton*, do execute the Indenture of Return, ſigned by the Freehold Tenants of the ſaid Borough, which was tendered to him at the Time of the Election; and that, when the ſaid Indenture is ſo executed, the Clerk of the Crown do receive the ſame, and annex it to the Writ directing the ſaid Election.

Bewdley.

Martis, 27 *die Maii*, 1679.

1. *Reſolved*, That all the Inhabitants of the Borough of *Bewdley (in Com. Worceſter)* have not a Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough.

Martis, 8 *die Februarii*, 1708.

2. A Motion being made, and the Question being put, that *Thomas Smith*, who was about *Michaelmas*, One thousand seven hundred and seven, chosen Bailiff of the Borough of *Bewdly*, and against whom an Information in the Nature of a *Quo Warranto* was brought, and Judgment given for him thereupon, was rightly Bailiff of the said Borough at the Time of the Election of a Burgess to serve in the present Parliament: it passed in the Negative.

3. *Resolved*, That *Samuel Slade*, nominated Bailiff of the Borough of *Bewdly*, by a Charter granted by her Majesty, for maintaining the Peace and good Government of the said Borough, was rightful Bailiff of the said Borough, at the Time of the Election of a Burgess to serve in this present Parliament.

Martis, 19 *die Dec.* 1710.

4. *Resolved*, That the Charter, dated the twentieth of *April*, One thousand seven hundred and eight, attempted to be imposed upon the Borough of *Bewdly*, against the Consent of the ancient Corporation, is void, illegal and destructive of the Constitution of Parliament.

Bossinny.

Veneris, 11 *die Decembris*, 1741.

1. A Motion being made, and the Question being proposed, that the Clerk of the Crown do take off the File, the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bossinney* in the County of *Cornwall*, signed by

Pasko

Paſko Hoſkin, the ſame not being ſigned by the proper Returning Officer of the ſaid Borough;

Mr. *Foſter*, one of the ſitting Members for the ſaid Borough, being preſent, withdrew.

2. *Reſolved*, That the Clerk of the Crown do take off the File, the Indenture of Return of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Boſſinney*, in the County of *Cornwall*, ſigned by *Paſko Hoſkin*, the ſame not being ſigned by the proper returning Officer of the ſaid Borough.

And he took the ſame off the File accordingly.

3. *Reſolved*, That the Clerk of the Crown do annex to the Writ the Indenture of Return of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Boſſinney* in the County of *Cornwall*, ſigned by *John Robins*, he being the proper Returning Officer of the ſaid Borough.

And he annexed the ſame to the Writ accordingly.

Ordered, That *Thomas Foſter* and *Richard Liddel*, Eſqrs; be at Liberty to petition this Houſe touching the Election for the ſaid Borough of *Boſſinney*, within fourteen Days next, if they think fit.

Boſton.

Jovis, 8 *die Maii*, 4 *C.* 1. 1628.

1. *Reſolved*, That the Right of Election for Burgeſſes to ſerve in Parliament for the Borough of *Boſton (in Com. Lincoln)* reſteth in the Commonalty, and not in the Mayor, Aldermen, and Common-Council.

Jovis, 20 *die Martii*, 1711.

2. *Reſolved*, That it is the Opinion of this Committee, That the Right of Election of Members

to

to ſerve in Parliament for the Borough of *Boſton* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council, and Freemen of the ſaid Borough, reſident in the ſaid Borough, and paying Scot and Lot.

3. *Reſolved*, That it is the Opinion of this Committee, That *William Coatſworth*, Eſq; is not duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Boſton* in the County of *Lincoln*.

4. *Reſolved*, That it is the Opinion of the Committee, That the honourable *Philip Bertie*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

The firſt and ſecond Reſolution (*viz.* ſecond and third *above*) being read a ſecond time, were agreed unto by the Houſe.

The third Reſolution being read a ſecond time,

5. The Reſolution of the Houſe of the eighth of *December* laſt, relating to Lords of Parliament, and Lord-Lieutenants of Counties, concerning themſelves in the Elections of Members to ſerve for the Commons in Parliament; and alſo,

The Act of the ſeventh and eighth Years of his late Majeſty's Reign, intitled, *An Act for preventing Charge and Expence in Elections of Members to ſerve in Parliament*, were read.

And the Queſtion being put, That the Houſe do agree with the Committee in the ſaid Reſolution,

It paſſed in the Negative.

6. *Reſolved*, That the late Election for the ſaid Borough of *Boſton* is a void Election.

Mercurii, 2 *die Martii*, 1719.

7. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Boſton* in the County of *Lincoln*, is only in the Mayor,

Mayor, Aldermen, Common-Council, and Freemen of the ſaid Borough, reſident in the ſaid Borough, and who pay Scot and Lot, ſuch Freemen claiming their Freedom by Birth or Servitude.

Brackley.

Martis, 20 *die Aprilis*, 1714.

1. *Reſolved*, That the Right of Election of Member to ſerve in Parliament, for the Borough of *Brackley* in the County of *Northampton*, is in the Mayor, Aldermen, and Burgeſſes of the ſaid Borough.

N. B. *The Reſolution of the Committee (which was amended by the Houſe) had theſe Words more than the above Reſolution*, viz. reſiding in the ſaid Borough.

Brecon.

Martis, 1 *die Aprilis*, 1697.

1. There were two Indentures affixed to the Writ for the Town of *Brecon*; the firſt, between ſome Aldermen and Burgeſſes of one Part, and the Sheriff of the other; the ſecond, between the Sheriff of one Part, and the Bailiff of that Borough of the other; whereby *John Jefferies*, Eſq; was returned.

Reſolved, That the Indenture wherein *John Jefferies*, Eſq; is returned to ſerve in this Parliament for the Borough of *Brecon*, is well and duly returned, and by the proper Officer; and that thereupon he ought to ſit, as well and duly returned to ſerve in this Parliament for the ſaid Borough of *Brecon*.

Bribery and Corruption.

See PRIVILEGES, TREATING.

Veneris, 15 *die Novembris*, 1689.

1. *Upon ſpecial Report from the Committtee of Privileges and Elections, of groſs and notorious Bribery, at an Election for the Borough of* Stockbridge, *in* Com. Southampton;

Reſolved, That *W. Montague*, Eſq; is not duly elected a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Stockbridge*.

2. *Reſolved*, That *W. Strode*, Eſq; is not duly elected a Burgeſs, *&c.*

3. *Reſolved*, That the ſaid Election is a void Election.

4. *Ordered*, That *Richard Hewes*, the Bailiff, *P. Robinſon*, —— *Gatehouſe*, and *S. Hall*, be ſent for into Cuſtody of the Serjeant at Arms, for giving and taking Bribes at the ſaid Election.

5. *Reſolved*, That *W. Montague*, Eſq; be diſabled from being elected a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Stockbridge*.

6. And a Debate ariſing touching the disfranchiſing the ſaid Borough for ever hereafter from ſending Burgeſſes to Parliament, and that inſtead thereof, two more Knights of the Shire be choſen for the County of *Southampton*;

Reſolved, That the Debate be adjourn'd till Monday Morning next, ten a Clock.

Mercurii, 27 *die Novembris*, 1689.

7. A Petition of *R. Hewes*, &c. Inhabitants of *Stockbridge*, that they were ſorry they had incurred the Diſpleaſure of the Houſe by encouraging the giving Money, and by other Irregularities at the late

late Election there, which they had not done, but that they were so near Ruin by the late King's Army continually quartering upon them, and praying the Consideration of the House, and to be discharged from their Confinements.

The Petitioners being called in, and severely reproved by Mr. *Speaker* for their Offences, were discharged, paying their Fees.

Mercurii, 20 *die Decembris*, 1693.

8. *Resolved*, That the said Election for the said Borough of *Stockbridge*, is a corrupt and a void Election.

9. *Resolved*, That a Bill be brought in for disabling the said Borough of *Stockbridge*, to send Burgesses to serve in Parliament for the future.

And the said Bill was brought in the same Session, and read a first, and second Time, and committed.

Mercurii, 7 *die Februarii*, 1693.

10. A Petition of the Bailiff, Constable, and other Inhabitants of the said Borough of *Stockbridge* was presented to the House, and read, Praying that the Bill may be withdrawn, and that the ancient Frame and Constitution of the said Borough, in sending Members to Parliament may not be altered.

Resolved, That the said Petition be rejected.

Eodem die.

11. *Another Petition of the Bailiff and Inhabitants of the Town of* Stockbridge *praying to be heard by their Council against the said Bill; was also rejected.*

12. *And the Bill was afterwards engrossed, and read a third Time, but on the third reading, the Question being put*, That the Bill do pass;

It passed in the Negative. And afterwards,

Jovis,

Jovis, 19 *die Aprilis*, 1694.

13. A Motion being made, and the Question being put, that a Warrant be now directed to the Clerk of the Crown to make out a new Writ for the electing a Burgess, to serve in this present Parliament for the Borough of *Stockbridge* in the County of *Southampton*, in the Room of *Richard Whitehead*, Esq;

It passed in the Negative.

Sabbati, 3 *die Februarii*, 1699.

14 *Upon the Report of the Committee touching an Election for* Bishop's Castle.

Resolved, That the said Election is a void Election.

15. It appearing to this House, upon the said Report, that the Burgesses of the said Borough of *Bishop's Castle* have been notoriously guilty of Bribery in the said Election.

Resolved, That no Writ do issue during this Session for electing another Burgess for the said Borough.

25 *die Februarii*, 1700.

16. A Petition of some of the unbribed Burgesses of *Weobly*, &c. was referred to the Committee.

Mercurii, 12 *die Martii*, 1700.

17. *Resolved*, That it appears that Mr. *Samuel Cutting* hath endeavoured by Bribes and other indirect Practices to corrupt the Electors for the said Borough.

Ordered into Custody for the said Offence.

Lunæ, 17 *die Martii*, 1700.

18. *Resolved*, That the Electors of the Borough of *Andover (in Com. Southampton)* have endeavoured corruptly to set to sale the Election of a Burgess to serve in this Parliament for the said Borough.

19. *Re-*

19. *Resolved*, That the lending of Money upon any Security to a Corporation which sends Members to Parliament, and remitting the Interest of the same, with Intent to influence the Election of such Corporation, is an unlawful and dangerous Practice.

Mercurii, 19 *die Martii*, 1700.

20. *Resolved*, That Sir *Edward Seymour*, Baronet, has made good his general Charge against *Samuel Sheppard*, sen. Esq; of Bribery and Corruption, *&c.*

21. *Resolved*, *Nemine Contradicente*, That the Thanks of the House be given to Sir *Edward Seymour*, Bart. a Member of this House, for the great Service he hath done the Publick in detecting the Bribery and Corruption which hath been practised in the Elections of several Members to serve in this present Parliament.

Mercurii, 16 *die Aprilis*, 1701.

22. *Mr.* Samuel Sheppard, *sen. was expelled the House, and remanded to the Tower.*

Sabbati, 28 *die Octobris*, 1702.

23. The House being informed, That *George Morley*, Esq; a Member of this House, hath been guilty of Bribery, in relation to his Election for the Borough of *Hindon* in the County of *Wilts*; and he not being in the House;

Ordered, That the said Mr. *Morley* do attend in his Place upon *Tuesday* Morning next.

Veneris, 27 *die Novembris*, 1702.

24. The House proceeding to the Hearing of the Matter of the Charge of *Thomas Jervoise*, Esq; against *George Morley*, Esq; and of the Petition touching the Election for the Borough of *Hindon* in the County of *Wilts*. ——

And

And the Queſtion being put, that *George Morley*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Hindon* in the County of *Wilts*;

It paſſed in the Negative.

25. *Ordered*, That Leave be given to bring in a Bill for the Disfranchiſing the Borough of *Hindon* in the County of *Wilts*, from electing Members to ſerve in Parliament; and that Mr. *Harley*, the Lord *Mordaunt*, and Mr. *Scobel*, do prepare and bring in the ſame.

Martis, 8 *die Decembris*, 1702.

26. *Reſolved*, That the late Election of Burgeſſes for the ſaid Borough of *Maidſton*, is a void Election.

27. *Reſolved*, That no Warrant do iſſue, during this Seſſion of Parliament, for the making out a new Writ for the electing Burgeſſes for the ſaid Borough of *Maidſton*.

28. *Reſolved*, That *Gervas Hely* is guilty of indirect and corrupt Practices, in order to the procuring Members to be elected to ſerve in Parliament for the ſaid Borough of *Maidſton*.

29. *Ordered*, That the ſaid *Gervas Hely*, be, for his ſaid Offence, taken into Cuſtody.

Martis, 1 *die Februarii*, 1708.

30. *Reſolved*, That it appears to this Houſe, that Mr. *William Burſlem* is guilty of Bribery and indirect Practices, *&c.*

31. *Ordered*, That the ſaid Mr. *William Burſlem* be, for his ſaid Offences, taken into Cuſtody of the Serjeant at Arms attending this Houſe.

Sabbati, 18 *die Junii*, 1715.

32. *Reſolved*, That it appears to this Houſe, that *Simon Gough* is guilty of diſtributing Money in

in order to procure *Paul Foley*, Esq; to be elected a Burgess to serve in this present Parliament for the present Parliament for the Borough of *Weobly* in the County of *Hereford*.

33. *Ordered*, That the said *Simon Gough* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending the House.

Jovis, 4 *die Februarii*, 1724.

34. The House proceeded (according to Order) to take into Consideration the Matter of the Complaint (made to the House the twenty-third Day of *January* last) that there had been some undue Practices in relation to the compromising the Election for the Borough of *Stafford*, before the Merits of the said Election were heard before the Committee of Privileges and Elections.

And several Witnesses were called in and examined at the Bar; and then they withdrew.

Resolved, That it appears to this House, that divers indirect and corrupt Practices have been used in order to compromise the Election for the Borough of *Stafford*, before the same was heard before the Committee of Privileges and Elections.

35. *Resolved*, *Nemine contradicente*, That it appears to this House, that *Francis Elde*, Esq; (a Member of this House) has been guilty of the said indirect and corrupt Practices, highly reflecting upon the Honour and Justice of Parliament.

36. *Resolved*, *Nemine contradicente*, That the said *Francis Elde*, Esq; (a Member of this House) be, for his said Offence, expelled this House.

Sabbati, 8 *die Martii*, 1728.

37. *Resolved*, *Nemine contradicente*, That the Agents for *Ellerker Bradshaw*, Esq; have been guilty of notorious and scandalous Bribery and Corrup-

 tion,

tion, in order to procure the ſaid Mr. *Bradſhaw*, to be elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Beverly* (*in Com. Ebor.*)

38. *Ordered*, That *John Eleanor*, one of the ſaid Agents, be, for his ſaid Offence, committed Priſoner to his Majeſty's Goal of *Newgate*; and that Mr. *Speaker* do iſſue his Warrant accordingly.

The like Orders upon Three others of the ſaid Agents.

39. *Hitherto, under this Title, the Reader has met Variety of Inſtances, in what Deteſtation Bribery has been held, and with what Severity puniſhed by many different Houſes of Commons.*

Bridport.

Sabbati, 2 *Aprilis*, 4 *C.* 1. 1628.

1. *Reſolved*, That the Commonalty in general (*of the Borough of* Bridport *in Com.* Dorſet) ought to have Voices in the Election of Burgeſſes for Parliament.

2. *Reſolved*, That it is a void Election, in reſpect of the want of Warning to the Commonalty.

Briſtol.

Martis, 15 *die Aprilis*, 1735.

1. *Upon a Hearing for* Briſtol, *theſe Pieces of Evidence were produced as to the Right of Election, viz.*

A Charter of *E.* 3. to the Burgeſſes of the Town of *Briſtol*, 8 *Auguſt* 40. *E.* 3. *Part read.*

Copies of ſeveral Returns, *&c.*

Copy of Letters Patents. 4to *Junii.* 34 *H.* 8.

Copies of other Returns.

Charter to the Mayor and Commonalty of the Town of *Briſtol*, 17 *December*, 15 *H.* 7. *Part read.*

Charter to the Burgeſſes of *Briſtol*, 28 *May* 28 *E.* 1. *Part read.*

The

The Usage of the City and County, in the Election of several Officers was examined to.

Martis, 22 *die Aprilis*, 1735.

2. The Petitions were withdrawn, and the Order for the further Hearing discharg'd.

Buckingham.

Martis, 11 *die Novembris*, 1690.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Buckingham (in Com. Bucks)* is in the Bailiff and twelve Burgesses of *Buckingham* only.

Martis, 27 *die Aprilis*, 1714.

2. *Resolved*, That *John Muscott* is not qualified according to the Act of Parliament *for the well governing and regulating of Corporations*, to be a principal Burgess of the Borough of *Buckingham*, in the County of *Bucks*.

3. *The like Resolution passed against three more of the same Place.*

Bury St. Edmunds.

Martis, 27 *die Aprilis*, 1714.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Bury St. Edmunds* in the County of *Suffolk*, is in the Aldermen, twelve capital Burgesses, and twenty four Burgesses of the Common-Council of the said Borough.

Calne.

Veneris, 22 *die Decembris*, 1710.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Inhabi-

tants of the ſaid Borough, having a Right of Common, and being ſworn at *Ogborn-Court*.

Martis, 25 *die Februarii*, 1723.

2. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the ancient Burgeſſes of the ſaid Borough only.

3. *Reſolved*, That the Right of returning Burgeſſes to ſerve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Guild-Stewards of the ſaid Borough.

Martis, 19 *die Aprilis*, 1743.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Calne*, in the County of *Wilts*, in the room of Lieutenant Colonel *William Elliot*, who, ſince his Election for the ſaid Borough, hath accepted the Office of one of the Equerries to his Majeſty.

Martis, 24 *die Februarii*, 1746.

A Complaint being made to the Houſe, at the Requeſt of the Burgeſſes of the Borough of *Calne*, in the County of *Wilts*, that an undue Attempt had been made to influence them, in giving their Votes for a Member to ſerve in Parliament for the ſaid Borough, by the Promiſe of 1500 *l.* to be depoſited in a Banker's Hands for that Purpoſe, to be ſpent, or diſtributed, as the major Part of the Electors ſhall think proper.

And a Letter ſigned *W. Liverland*, and dated *London*, *January* 13, 1746, directed to Mr. *William Hale*, and brought to him, as the Houſe was informed, by Mr. *Stephen Hale*, (in which Letter that Depoſit is promiſed for that Purpoſe) was brought up to the Table, and read.

Ordered,

Ordered, That *W. Liverland* do attend this Houſe, on this Day ſeven-night.

Ordered, That *William Hale* do attend this Houſe upon this Day ſeven-night.

Ordered, That *Stephen Hale* do attend this Houſe upon this Day ſeven-night.

Note. *Afterwards* Liverland, *not attending*, was ordered to be taken into Cuſtody, and not being found, a Proclamation, with a Reward for apprehending him, was publiſhed, in purſuance of an Addreſs for that Purpoſe.

Cambridge.

Jovis, 9 *die Februarii*, 1709.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Town of *Cambridge*, is in the Mayor, Bailiffs, and Freemen not receiving Alms.

Veneris, 27 *die Maii*, 1715.

2. Mr. *Hampden* (according to Order) reported from the Committee, *&c.*

Reſolved, That it is the Opinion of this Committee, that the Mayor, Bailiffs and Burgeſſes of the Town of *Cambridge*, may hold a ſummon's Common-day Court, and admit Freemen without ſix Aldermen of the ſaid Town being then preſent.

Reſolved, &c.

Reſolved, &c.

The firſt Reſolution (*viz.* the 2d above) being read a ſecond Time, and the Queſtion being put, that the Houſe do agree with the Committee in the ſaid Reſolution,

It paſſed in the Negative.

Martis, 13 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new

Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Univerſity of *Cambridge*, in the Room of the honourable *Edward Finch*, Eſq; who ſince his Election for the ſaid Univerſity, hath accepted the Office of one of the Grooms of the Bed-Chamber to his Majeſty.

Camelford.

Martis, 8 *die Maii*, 1711.

1. *Reſolved*, That Mr. *Edward Cloake* is legal Mayor of the Borough of *Camelford*, in the County of *Cornwall*, and ought to make the Return of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

Capacity.

See CORONER, OFFICES, QUALIFICATION.

Lunæ, 21 *die Decembris*, 1696.

1. *Reſolved*, *Nemine contradicente*, That *Henry Fairfax*, Eſq; having contrary, to the late Act of Parliament, expended Money in order to his Election, to ſerve in this preſent Parliament for the Borough of *Aldborough* in the County of *York*, ſince the Vacancy thereof by the Death of Sir *Michael Wentworth*, is diſabled and incapacitated upon the ſaid Election to ſerve as a Burgeſs for the ſaid Borough.

Mercurii, 27 *die Januarii*, 1696.

2. *Reſolved*, That during this Seſſion of Parliament, no Warrent for a new Writ do iſſue for the electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Aldborough*, in the room of Sir *Michael Wentworth*, Bart. deceaſed.

3. Note, *In the next Seſſion the Houſe did not order a new Writ until the Borough petitioned, acknowledging*,

ledging, &c. See the Votes, *Veneris*, 3 *die Dec.* 1697, and *Jovis*, 30 *die Dec.* 1697.

Jovis, 6 *die Martii*, 1711.

4. The Order of the Day being read, for taking into Consideration the Merits of the Petition of the Freemen, and Free-Burghers of the Borough of *King's-Lynn* in the County of *Norfolk*.

And a Motion being made, and the Question being put, that Counsel be called in,

It passed in the Negative.

5. Then the Writ for electing a Burgess for the said Borough in the room of *Robert Walpole*, Esq; expelled this House; and also the Sheriff of *Norfolk*'s Precept thereupon, and the Indenture of the Return between the said Sheriff, and the Mayor and Burgesses of the said Borough, were read.

Resolved, That *Robert Walpole*, Esq; having been this Session of Parliament committed a Prisoner to the Tower of *London*, and expelled this House for an high Breach of Trust in the Execution of his Office, and notorious Corruption, when Secretary at War, was, and is incapable of being elected a Member to serve in this present Parliament.

6. *Resolved*, That the late election for a Burgess to serve in this present Parliament for the said Borough of *King*'s-*Lynn*, in the County of *Norfolk*, is a void Election.

Cardigan.

See QUALIFICATION.

Jovis, 7 *die Maii*, 1730.

1. *Resolved*, That the Burgesses of the Borough of *Tregaron* have not a Right to Vote in the Elec-

tion of a Burgeſs to ſerve in Parliament for the Town of *Cardigan*.

2. *Reſolved*, That the Right of Election of a Burgeſs to ſerve in Parliament for the Town of *Cardigan*, in the County of *Cardigan*, is in the Burgeſſes at large of the Boroughs of *Cardigan*, *Aberyſtwith*, *Lampeter* and *Atpar* only.

Carmarthen.

Martis, 19 *die Martii*, 1727.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Carmarthen* is in the Burgeſſes of the ſaid Borough.

Sabbati, 23 *die Martii*, 1727.

2. *Reſolved*, That the Execution of the Writ for electing a Burgeſs to ſerve in Parliament for the County-Borough of *Carmarthen*, and the making a Return thereof, are in the two Sheriffs of the ſaid Borough jointly.

Cheping-Wicombe.

Jovis, 17 *die Martii*, 1725.

1. *Reſolved*, *Nemine contradicente*, That it appears to this Houſe, that in an Entry of Burgeſſes made at the Borough of *Cheping-Wicombe* in the County of *Bucks*, dated the 20th of *May* 1717, there has been an Erazure lately made, and the Name of Captain *Pyet* inſerted, without any legal Authority.

2. *Reſolved*, *Nemine contradicente*, That it appears to this Houſe, that in an Entry of Burgeſſes made at the ſaid Borough of *Cheping-Wicombe*, dated the 26th of *September* 1723, an Erazure has been lately made, whereby the Name of *David Shilſore*,

Shilfore, a Burgeſs of the ſaid Borough, is erazed.

3. *Reſolved*, *Nemine contradicente*, That *Sampſon Treſley* and *John Widiner*, who were admitted to vote at the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Cheping-Wicombe* (having no Pretence to be Burgeſſes of the ſaid Borough, but under a Charter of King *James* the Second, which was never accepted or enrolled) have no Right of voting in Elections of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Cheſter.

9 *die Februarii*, 1747.

1. *Reſolved*, That the Right of Election for the City of *Cheſter*, is in the Mayor, Aldermen, and Common-Council of the ſaid City, and in ſuch of the Freemen of the ſaid City not receiving Alms, as ſhall have been commorant within the ſaid City, or the Liberties thereof, for the Space of one whole Year next before the Election of the Citizens, to ſerve in the Parliament for the ſaid City.

Chippenham.

9 *die Aprilis*, 1624.

1. *Reſolved*, That the New Charter alters not the Cuſtoms; and that the Burgeſſes and Freemen, more than Twelve, have Voice in the Election.

Jovis, 28 *die Januarii*, 1741.

On an Hearing.

The laſt Determination of the Houſe, concerning the Right of Electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the 9th Day of *April*, 1624, (when it was reſolved, That the new

new Charter altered not the Cuſtoms, and that the Burgeſſes and Freemen, more than twelve, had Voice in the Election) was alſo read.

A Motion was made, and the Queſtion being put, that in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Chippenham* in the County of *Wilts*, made the ninth Day of *April*, in the Year One thouſand ſix hundred twenty-four; which is, " That the new Charter alters not the Cuſtoms; and that the Burgeſſes and Freemen, more than twelve, have Voice in the Election," the Words *Burgeſſes and Freemen*, mean only ſuch Burgeſſes and Freemen, as are Inhabitants, Houſholders of the ancient Houſes, called Free, or Burgage Houſes within the ſaid Borough,

It paſſed in the Negative.

Chriſt-Church.

Mercurii, 14 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Chriſt-Church*, in the County of *Southampton*, in the room of *Edward Hooper*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Paymaſter of divers annual Bounties and Penſions.

Cirenceſter.

Martis, 4 *die Novembris*, 1690.

1. *Reſolved*, By the Committed, That the Inhabitants of the Borough of *Cirenceſter (in Com. Glouceſter)* receiving a charitable Donative, commonly

 called

called *By-Money*, have not a Right to vote in electing Burgeſſes to ſerve in Parliament.

2. *Reſolved*, That the Inhabitants of the Borough of *Cirenceſter* being Inmates, have no Right to vote in electing Burgeſſes to ſerve in Parliament.

Upon the Queſtion, the Houſe did not agree unto the firſt Reſolution, but agreed unto the Second.

Jovis, 8 *die Decembris*, 1709.

3. The Queſtion being put, that the Inhabitants of the *Abby*, the *Emery*, and the *Spiringate-Lane*, (not receiving Alms) have a Right to Vote, in electing Members to ſerve in Parliament for the Borough of *Cirenceſter* (*Com.* Glouceſter,)

It paſſed in the Negative.

Cockermouth.

Martis, 13 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Cockermouth* in the County of *Cumberland*, in the room of the honourable *William Finch*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Vice-Chamberlain of his Majeſty's Houſehold.

Colcheſter.

Sabbati, 28 *die Martii*, 1696.

1. *The Committee reported*, That the Right of Election for *Colcheſter*, in *Eſſex*, was agreed to be in the ſworn Burgeſſes, not receiving Alms.

Sabbati,

Sabbati, 27 *die Januarii*, 1710.

2. *Resolved*, That the Mayor of the Borough of *Colchester* in the County of *Essex*, cannot make Foreigners Free of the said Borough, without consent of the Majority of the Aldermen and Common-Council.

Jovis, 6 *die Maii*, 1714.

3. *Resolved*, That the Right of making Foreigners (not having a Right of Freedom by Birth or Service) Freemen of the Borough of *Colchester*, in the County of *Essex*, is in the Mayor and free Burgesses of the said Borough, in Common-Hall assembled.

Coroner.

Veneris, 11 *die Januarii*, 1694.

1. *Resolved*, That *Jasper Mawdit*, Esq; is duly elected a Burgess to serve in this present Parliament, for the Borough of *Liverpool* in the County of *Lancaster*.

2. *Resolved*, That Mr. *Alexander Norris*, Mayor of the Borough of *Liverpool* in the County of *Lancaster*, having taken upon him to judge, that *Jasper Mawdit*, Esq; being Coroner of the said Borough, was uncapable to be elected a Burgess to serve in Parliament (altho' duly chosen) and having made a false Return of *Thomas Brotherton*, Esq; to serve as a Burgess for the said Borough, hath therein violated the Rights of the Commons of *England*, and broken the Privileges of this House.

3. *Resolved*, That the said *Alexander Norris*, for the said Misdemeanor, be sent for in Custody of the Serjeant at Arms attending this House.

Costs and Expences.

See PETITION vexatious.

Sabbati, 9 *die Martii*, 1699.

1. A Petition of *Thomas Hawksly* and *Roger Hunt*, Overseers for the Poor of *Nottingham*, was presented to the House and read, praying, that they may be relieved for their Charges in coming to Town, their Expences here, and returning home, being summoned to attend the Committee of Privileges and Elections by *George Gregory*, Esq; Petitioner against *Robert Sacheverel*, Esq;

Ordered, That the said Mr. *Gregory* do pay the Petitioners their reasonable Charges, to be settled by the Chairmen of the said Committee.

Sabbati, 22 *die Martii*, 1711.

2. A Complaint being made to the House, that Mr. *John Cunningham* was summoned in behalf of Major-General *Hamilton* to attend the Committee of Privileges and Elections, to testify his Knowledge touching the late Election of a Member to serve in Parliament for the Burghs of *Pittenween*, *Anstruther-Easter*, *Anstruther-Wester*, *Crail*, and *Kilrenny*, that Major General *Hamilton* refuses to pay him his reasonable Charges for his Journey and Attendance. And a Copy of the said Summons being brought up to the Table and read,

Ordered, That the said *John Cunningham* have his reasonable Charges for his Journey, and Attendance on the said Committee; and that the same be ascertained by the Chairman of the said Committee.

Jovis, 8 *die Septembris*, 1715.

4. A Petition of *Anne Cater* of *Eastow* in the County of *Bedford*, Widow, *John Purton* of *Kempston*,

ſton, *James Coot* of *Eaton Sacon*, and *Stephen Norman* of *Felmerſham* in the County of *Bedford*, was preſented to the Houſe, and read, praying that they may be relieved for their Charges in coming up and ſtaying in Town (being ſummoned up as Witneſſes by *John Harvey*, Eſq;) to attend the hearing the Merits of the Election for the County of *Bedford*, at the Bar of the Houſe, they having deſired him to give them reaſonable Satisfaction, which he hath refuſed to do.

Ordered, That the ſaid Mr. *Harvey* do pay the Petitioners their reaſonable Charges, to be ſettled by Mr. *Speaker*.

Martis, 18 *die Junii*, 1717.

5. A Petition of *Thomas Prowſe*, Steward of the Manor of *Minehead*, in the County of *Somerſet*, was preſented to the Houſe and read, complaining that he was required by Warrant from Mr. *Speaker*, to permit *George Speke*, Eſq; or his Agents, to inſpect the Court-Rolls, and other Records of the ſaid Manor, and to take out ſuch Copies and Notes therefrom as they ſhould think fit, and to attend this Houſe the thirteenth Inſtant with the ſaid Court-Rolls, and Records; and that he did produce the ſaid Court-Rolls, and did appear and was examined: but that the ſaid Mr. *Speke*'s Agent refuſeth to give him reaſonable Satisfaction for the ſame; and praying that he may be relieved therein.

Ordered, That the ſaid *Thomas Prowſe* be paid his reaſonable Charges to be ſettled by Mr. *Speaker*.

Coventry.

Martis, 24 *die Februarii*, 1701.

1. *Reſolved*, That the Freemen of *Coventry* receiving Alms or Charity, have no Right to vote in the

the Election of Citizens to serve in Parliament for the City of *Coventry*.

Martis, 1 *die Martii*, 1708.

On a Hearing.

2. A Book being produced (alledged to be a Book of the Company of Fullers in the City) to prove that they are a Company or Corporation within the said City.

A Motion being made, and the Question being put, that the said Book be received as Evidence.

It passed in the Negative.

3. *Resolved*, That the Right of electing Citizens to serve in Parliament for the City of *Coventry*, is in such Persons who have served Apprenticeships for seven Years within the City, to one and the same Trade, not receiving Alms or constant Charities.

4. The Petitioners Council proceeding in order to disqualify several of the Sitting Member's Votes, upon account of their having received Parish Charities; and the Sitting Member's Council insisting, that they have not been able to make any Discovery of what Persons (on the Petitioners part) have received the Charities of the Sacrament Money and Bread-Money, so as to make Objections to the Petitioners Votes, upon that Account, the Minister and Church-wardens, alledging, they kept no Account of the same, and Witnesses being examined in relation to that Matter.

A Motion being made and the Question being put, that the Petitioners Council be admitted to give Evidence to disqualify any of the Sitting Members Votes, upon account of receiving Sacrament-Money, or Bread-Money.

It passed in the Negative.

5. A

5. A Motion being made, and the Question being put, that Persons receiving Sir *Thomas White*'s Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*.

It passed in the Negative.

Jovis, 3 *die Martii*, 1708.

6. A Motion being made, and the Question put, that Persons receiving *Thomas Wheatly*'s Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*.

It passed in the Negative.

Jovis, 13 *die Martii*, 1711.

7. *Resolved*, That the Members of the Company of Fullers of the City of *Coventry*, being Freemen, not receiving Alms, or weekly Charity, have a Right to Vote in the Elections of Members to serve in Parliament for the said City.

8. *Resolved*, That such Freemen of the City of *Coventry*, as do not receive Alms or weekly Charity, and have served seven Years Apprenticeship within the said City, or the Suburbs thereof, have a Right to vote in the Elections of Members to serve in Parliament for the said City.

Lunæ, 19 *die Novembris*, 1722.

9. *Resolved*, That the Sitting Member's Counsel be admitted to give Evidence touching the Qualification of such Persons as have a Right to Vote in the Elections of Citizens to serve in Parliament for the City of *Coventry*.

Martis,

Martis, 20 *die Novembris*, 1722.

10. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Coventry*, is in such Freemen as have served seven Years Apprenticeship to one and the same Trade in the said City or the Suburbs thereof, and do not receive Alms or weekly Charity, such Freemen being duly sworn and enrolled.

Martis, 22 *die Martii*, 1736.

On a Hearing.

11. *The next foregoing Resolution* (of 20th *November* 1722,) *was read*; and also

The standing Order of 16th *January*, 1735, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination of the House of Commons.

See Title RIOTS, *of this Date.*

Cricklade.

Sabbati, 22 *die Februarii*, 1695.

1. *The Committee reported*, That it was agreed that the Right of Election for the Borough of *Cricklade* (*in Com. Wilts*) was in the Freeholders, Copyholders, and Leaseholders, for not less than three Years.

2. *There is not in the printed Votes of that Day any mention of the Right of Election: But there is a Resolution*, That the Petition of the Burgesses complaining of an undue Election for the said Borough is vexatious, frivolous, and groundless.

Dartmouth,

alias Clifton-Dartmouth-Hardness.

Jovis, 21 *die Novembris*, 1689.

1. The Committee reported, that it appeared the Right of Election for the Borough of *Dartmouth* alias *Clifton-Dartmouth-Hardness* (*in Com. Devon.*) was in the Freemen of the said Borough.

2. *Resolved*, *Nemine contradicente*, That twenty-five new Freemen, made after the Writ bore *Teste*, were not duly nor legally made, agreed to by the House.

3. *Ordered*, That Mr. *Whitrow*, the late Mayor, be taken into Custody for his Misdemeanors in making the said Freemen.

Denbigh.

Martis, 25 *die Novembris*, 1740.

The House being informed that Sir *Watkyn Williams Wynn*, Bart. a Member of this House, hath accepted the Office of Steward of his Majesty's Lordships and Manors of *Bromfield* and *Yale*, in in the County of *Denbigh*, now come to him on the Death of his Father, Sir *William Williams*, Bart. by Virtue of a Grant from Queen *Anne*; and that the said Sir *Watkyn Williams Wynn*, desired the Opinion of the House, whether his Seat in this House was thereby vacated.

And the House being informed, that Mr. *Thomas Gilbert* attended at the Door, with a Copy of the said Grant, he was called in, and at the Bar produced the same.

And then he withdrew.

And the Copy of the said Grant, dated the sixth Day of *April*, in the third Year of her said Majesty's

jesty's Reign, was read; whereby the Queen (reciting a Grant of the said Office, by King *Charles* the Second, to *Henry Wynn*, Esq; for his Life; and after his Decease, to his Son, *John Wynn*, Esq; for his Life; and also reciting the Death of the said *Henry Wynn*) granted the said Office to Sir *William Williams*, Bart. deceased, for his Life, to have the said Office immediatly after the Decease of the said *John Wynn*; and also to his Son, now Sir *Watkyn Williams Wynn*, for his Life, for him the said *Watkyn Williams Wynn* to have, enjoy, and exercise the said Office immediately after the Decease of the said Sir *William Williams*, with an annual Salary of twenty Pounds, and with all Profits to the said Office belonging.

And the twenty-sixth Section of an Act made in the sixth Year of the Reign of Queen *Anne*, intitled, *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of* Great Britain *in the Protestant Line*, whereby the Election of any Person, who being chosen a Member of the House of Commons, shall accept of any Office of Profit from the Crown, is declared to be void, was also read.

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Knight of the Shire to serve in this present Parliament for the County of *Denbigh*, in the room of Sir *Watkyn Williams Wynn*, Bart. who, since his Election for the said County, hath accepted the Office of Steward of his Majesty's Lordships and Manors of *Bromfield* and *Yale*, in the said County of *Denbigh*.

On an Hearing.

Lunæ, 22 *die Februarii*, 1741.

They examined several Witnesses, and produced Evidence, in order to prove, that the Sheriff of

the ſaid County was guilty of great Partiality, in favour of the ſitting Member, by obliterating and interlining an Aſſeſſment of the Land-Tax for the Year 1740, in which *John Jones* was rated for his Freehold, and afterwards objecting to his vote at the ſaid Election, for not being rated for the ſaid Freehold; by unneceſſarily protracting the Poll; by objecting to the Votes of many Freeholders, on account of Non-reſidence within the ſaid County; by querying the Votes of ſeveral Freeholders, who voted for the Petitioner Sir *Watkyn Williams Wynn*, Bart. and admitting, without a Query, the Votes of ſeveral Freeholders, who voted for the Sitting Member, though liable to the ſame Objections; by querying many Votes upon Suggeſtion only, and ſome by private Direction to his Under-ſheriff; by declaring, at the cloſe of the Poll, what Majority appeared for the ſaid Petitioner, and delivering to each Candidate a Paper, containing the Numbers of their reſpective Voters, and alſo, when a Scrutiny was demanded on the Behalf of the ſitting Member, refuſing to grant it, becauſe the whole Election had been a Scrutiny; yet, when a Return of the ſaid Petitioner was demanded, refuſing then to make it on pretence of Fatigue, and of his doubt concerning the Objecjection of Non-reſidence, and adjourning the County Court to a certain Time and Place, with Promiſſes to do the ſaid Petitioner Juſtice, when he had looked into his Notes, and to give him Notice of the Return; yet afterwards, before the Day of Adjournment, privately, and without ſuch Notice, making a Return of the ſitting Member, though, if all the queried Votes on both Sides had been diſallowed, the ſaid Petitioner had a conſiderable Majority.

Martis,

Martis, 23 *die Februarii*, 1741.

Resolved, That *William Myddleton*, Esq; High Sheriff of the County of *Denbigh* at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton*, Esq; as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the close of the Poll, without any subsequent public Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House.

Ordered, That the said *William Myddleton*, Esq; be, for his said Offence, committed Prisoner to his Majesty's Gaol of Newgate; and that Mr. Speaker do issue his Warrants accordingly.

Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions for removing the said *William Myddleton*, Esq; from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

Ordered, That the said Address be presented to his Majesty, by such Members of this House as are of his Majesty's most Honourable Privy Council.

Mercurii, die Februarii, 1741.

Ordered, That the Resolution of this House of Yesterday, that *William Myddleton*, Esq; High Sheriff of the County of *Denbigh*, at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton*, Esq; as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the Close of the Poll, without any publick subsequent Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House, be humbly laid before his Majesty by such Members of this House as are of his Majesty's most Honourable Privy Council, at the same Time that they present to his Majesty the Address of this House, Yesterday resolved to be presented to his Majesty, that he will be graciously pleased to give Directions for removing *William Myddleton*, Esq; from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

Jovis, 25 *die Februarii*, 1741.

Mr. *Comptroller* reported to the House that his Majesty had been attended with the Resolution and Address of this House relating to *William Myddleton*, Esq; and that his Majesty had commanded him

him to acquaint this House, that his Majesty will give Directions for doing what is desired by this House.

Lunæ, 12 *die Aprilis*, 1742.

A Petition of *William Myddleton*, high Sheriff of the Shire of *Denbigh*, was presented to the House, and read; setting forth that the Petitioner was, on the twenty-third Day of *February*, ordered by this House, to the Custody of the Keeper of his Majesty's Gaol of *Newgate*, and did, the next Day, in consequence of such Order, surrender himself to the Serjeant at Arms, attending this House, and was immediately carried to the said Gaol, where he has remained in close Confinement ever since, whereby his Health has been much impaired; and that such Confinement, longer continued, may be the Means of indangering his Life; and that the Petitioner is extremely sorry, and humbly begs Pardon for having given Offence to this House; and therefore praying the House to take the Premisses into Consideration, and that the Petitioner may be discharged out of Custody.

Ordered, That the said *William Myddleton*, Esq; committed Prisoner by this House, to his Majesty's Gaol of *Newgate*, upon *Tuesday*, the twenty-third Day of *February* last, be brought to the Bar of this House to-morrow Morning, in order to his being discharged out of Custody; and that Mr. Speaker do issue his Warrants accordingly.

Martis, 7 *die Februarii*, 1743.

Ordered, That Mr. *William Nock* and Mr. *Robert Dyer*, Clerks of the Secretary of the Commissioners of the Stamp-Duties, do immediately attend this House with the Book, or Books, belonging the Stamp-Office, wherein the Impressions of

the ſeveral Stamp-Duties entered, in order to the producing of the ſaid Book or Books, at the Hearing of the Matter of the Petition of *Arthur Trevor*, Eſq; and the ſeveral Perſons whoſe Names are thereunto ſubſcribed, ſeverally complaining of an undue Election and Return for the Borough of *Denbigh*, in the County of *Denbigh*; the Matter of which Petitions is appointed to be heard at the Bar of this Houſe, this Day.

Reſolved, That the Right of Election of a Burgeſs to ſerve in Parliament for the Borough of *Denbigh*, in the County of *Denbigh*, is in the Burgeſſes, Inhabitants, of the Boroughs of *Denbigh*, *Ruthyn*, and *Holt*, reſpectively.

Note, This Hearing laſted many Days, and the Evidence, Objections, *&c.* on both Sides, mentioned in the printed Votes, amount to many Pages, which we thought too voluminous for our preſent Purpoſe, as no ſpecial Reſolution was made; the Whole concluding only with a general Reſolution, that the ſitting Member was duly elected.

Derby.

Lunæ, 1 *die Martii*, 1741.

Ordered, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Derby*, in the County of *Derby*, in the Room of the Right Honourable *James Cavendiſh*, Eſq; commonly called Lord *James Cavendiſh*, who ſince his Election for the ſaid Borough, hath accepted the Office of Auditor of all foreign Accounts or Impoſts, within the Kingdom of *Ireland*.

Devizes.

Devizes.

Sabbati, 29 *die Martii*, 1690.

1. A double Return for the Borough of *Devizes (in Com. Wilts)* one by the Mayor without any Burgesses joining in the Return; the other by several of the Burgesses without the Mayor.

Resolved, That Sir *Thomas Fowles* and *Walter Grubb*, Esq; returned by the Mayor, are duly returned to serve in this present Parliament for the Borough of the *Devizes*.

Martis, 13 *die Julii*, 1742.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Devizes*, in the County of *Wilts*, in the Room of *Francis Eyles*, Esq; who, since his Election for the said Borough, hath accepted the Office of Superintendant of his Majesty's Founderies.

Dorchester.

Martis, 17 *die Maii*, 1720.

1. *Resolved*, That that Part of the Parish called the *Holy Trinity*, alias *Dorchester Trinitatis*, which was formerly the Parish of *Froome Whitfield*, is no Part of the Borough of *Dorchester* in the County of *Dorset*.

2. *Resolved*, That the Tithing of *Collington Row*, within the Parish of the *Holy Trinity*, alias *Dorchester Trinitatis*, is no Part of the Borough of *Dorchester* in the County of *Dorset*.

Mercurii,

Mercurii, 18 *die Martii*, 1720.

3. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Dorchester* in the County of *Dorset*, is in the Inhabitants of the said Borough, paying to Church and Poor, in respect of their personal Estates; and in such Persons as pay to Church and Poor, in respect of their real Estates within the said Borough.

4. *And* Thomas Pitman, *the Mayor, was ordered into Custody for illegal and arbitrary Practices at the Election.*

Dover.

Martis, 1 *die Aprilis*, 1679.

1. The Writ was directed, *Constabulario Castri Dover ac Custod quinque Portuum vel ejus Locumtenenti ibidem*; indorsed thus, *Executio istius Brevis patet in quibusdam Schedulis huic Brevi annex.— Responsio Johannis Strode Arm. Locumtenentis Domini Regis Castri Dover*, &c.

To the Writ was affixed,

1. A Precept made by the said *John Strode*, Esq; to the Mayor, Jurats, and Commonalty of the Town and Port of *Dover*, &c. to choose two Barons, which Precept was endorsed thus; *Executio istius mandati patet in quadem Indentura huic Præcept. annex. per Major. Jurat. & Communitat. Ville & Port. de Dover prædict. in Comitatu prædict.*

There was also affixed to the said Writ an Indenture between the said *John Strode* of one Part, and the Mayor, Jurats and Commonalty of *Dover* of the other Part, witnessing that they had chosen *William Stokes* and *Thomas Papillion*, Esqrs; *&c.* in witness whereof they had caused their Common Seal to be affixed thereto; and accordingly a large Seal was affixed to the said Indenture.

There

There was alſo affixed to the ſaid Writ a Writing purporting an Indenture, but made between no Body; witneſſing, that the Mayor, Jurats, and Barons of the Town and Port of *Dover*, in a full Hundred there; that is to ſay, *George Weſt*, Deputy-Mayor, *J. V.* and *A. W.* Jurats, Five of the Common-Council, and Ten others ſtiled Barons of the ſaid Port, have choſen *Thomas Papillion*, Gent. and *John Strode*, Eſq; our Common-Barons: In Witneſs whereof We, the Mayor, Jurats, and Barons of the Port aforeſaid, have put our Hands and Seals. It was ſubſcribed by *George Weſt*, Deputy-Mayor, and Seventy others, and eighteen Seals affixed at the Bottom; but no great or common Seal to it, or mentioned ſo to be.

Reſolved, That the Indenture wherein *William Stokes*, Eſq; and *Thomas Papillion*, Eſq; are returned, *&c.* is well and duly returned, and by the proper Officer; and thereupon they ought to ſit as duly returned, to ſerve in this Parliament for the ſaid Town and Port of *Dover*.

Droitwich.

Martis, 11 *die Novembris*, 1690.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Droitwich*, *(in Com. Worceſter)* is in the Burgeſſes of the Corporation of the Salt-Springs of *Droitwich*.

Dumbarton.

Sabbati, 23 *die Januarii*, 1724.

1. *Reſolved*, *Nemine contradicente*, That any Conveyance of undivided Shares of the Superiority of any Lands in the Shire of *Dumbarton*, in order

to

to multiply Votes, or ſplit an Intereſt in ſuch Superiority amongſt ſeveral Perſons, with a View to enable them to vote, is contrary to the Act of Parliament made in *Scotland*, in One thouſand ſix hundred and eighty-one, intitled, *An Act concerning the Election of Commiſſioners for Shires.*

2. *Reſolved*, *Nemine contradicente*, That no Perſon claiming a Right by Purchaſe to an undivided Part of the Superiority, of any Lands where the Extent of the Lands, of which he claims the Superiority, is not particularly ſpecified, and the Land diſtinguiſhed by the Charter by which he claims a Vote, has any Right to vote in the Election of a Commiſſioner to ſerve in Parliament for the Shire of *Dumbarton.*

Dunwich.

Martis, 8 *die Decembris*, 1691.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is not in the Freemen of the ſaid Borough, commonly called Outſitters, as well as in the Freemen inhabiting within the ſaid Borough.

2. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dunwich*, is only in the Freemen inhabiting within the ſaid Borough.

Lunæ, 25 *die Novembris*, 1695.

3. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is in the Freemen of the ſaid Borough commonly called Out-ſitters, as well as in the Freemen inhabiting within the ſaid Borough.

Sabbati,

Sabbati, 5 *die Februarii*, 1708.

4. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich*, *(in Com. Suffolk)* is only in the Freemen inhabiting within the said Borough, not receiving Alms.

East-Grinstead.

Lunæ, 7 *die Aprilis*, 1679.

1. *Resolved*, That the Borough of *East-Grinstead*, in the County of *Sussex*, is an ancient Borough by Prescription.

2. *Resolved*, That the Inhabitants, as well as the Burgage-holders of the said Borough, have Right to vote in Elections of Members to serve in Parliament for the said Borough.

Jovis, 9 *die Februarii*, 1695.

3. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *East Grinstead*, is not in the Burgage-holders and Inhabitants of the said Borough.

4. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the said Borough is in the Burgage-holders only.

Lunæ, 18 *die Januarii*, 1741.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *East Grinstead* in the County of *Sussex*, in the Room of the Right Honourable *Charles Sackville*, Esq; commonly called Earl of *Middlesex*, who since his Election for the said Borough, hath accepted the Office of Head Steward

Steward of his Majesty's Honour at *Otford*, in the County of *Kent*.

East-Retford.

Martis, 15 *die Aprilis*, 1701.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *East-Retford*, in the County of *Nottingham*, is as well in the Burgesses non-resident, as in the Burgesses resident within the said Borough.

Agreed to by the House.

Martis, 17 *die Martii*, 1701.

2. *Resolved*, That the younger Sons of Freemen of the Borough of *East-Retford*, (in *Com. Nottingham*) have not a Right to demand their Freedom of the said Borough.

Sabbati, 28 *die Novembris*, 1702.

3. *Resolved*, That Persons not inhabiting in the Borough of *East-Retford*, in the County of *Nottingham*, are incapable of being made Free of the said Borough by Redemption.

4. *Resolved*, That all the Sons of Freemen of the Borough of *East-Retford*, have a Right to the Freedom of the said Borough.

Jovis, 17 *die Januarii*, 1705.

5. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *East-Retford*, in the County of *Nottingham*, is in such Freemen only, as have a Right to their Freedom by Birth, as eldest Sons of Freemen, or by serving seven Years Apprenticeship, or have it by Redemption, whether inhabiting, or not inhabiting in

in the ſaid Borough at the Time of their being made Free.

Jovis, 11 *die Januarii*, 1710.

6. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Eaſt-Retford*, in the County of *Nottingham*, is in ſuch Freemen only, as have a Right to their Freedom by Birth, as eldeſt Sons of Freemen, or by ſerving ſeven Years Apprenticeſhip, or have it by Redemption, inhabiting in the ſaid Borough, at the Time of their being made Free.

Evidence.

See WITNESSES.

Jovis, 16 *die Januarii*, 1695.

Hertford County.

1. *Reſolved*, That Evidence ought not to be admitted to diſqualify an Elector as no Freeholder, who at the Election ſwore himſelf to be a Freeholder.

Jovis, 16 *die Januarii*, 1695.

On a Petition for the County of Surry.

2. *Reſolved*, That Evidence ought not to be admitted to diſqualify an Elector as no Freeholder, who at the Election ſwore himſelf to be a Freeholder.

On a Hearing concerning an Election for Abingdon.

Jovis, 20 *die Januarii*, 1708.

4. A Motion being made, and the Queſtion being put, that *John Holmes* (one of the Serjeants of

of *Abingdon*) be now admitted to give Evidence;

It passed in the Negative.

Martis, 8 *die Februarii*, 1708.

5. *Resolved*, That *John Soley*, Esq; being named Recorder in the new Charter granted by her Majesty to the Town of *Bewdly* (in *Com. Worcester*) be admitted an Evidence to prove the Acts of the Corporation before that Charter was granted.

Martis, 16 *die Januarii*, 1710.

On the Hearing of the Merits of the Election for the County of *Rutland*.

6. *Resolved*, That the Petitioner be admitted to give Parole Evidence of the Mortgage of a Mortgagee in Possession of Lands for which the said Mortgager voted against the Petitioner without producing the Mortgage Deed.

Sabbati, 20 *die Januarii*, 1710.

On further Hearing for the County of Rutland.

7. *Resolved*, That *John Taylor*, being produced as a Witness, by the sitting Member, be examined by the Petitioner, when his Annuity (*the Freehold for which he voted*) was granted.

8. The Question being put, that *Samuel Freeman* be admitted to prove his voting at the said Election, contrary to the Poll then taken by the Sheriff;

It passed in the Negative.

Sabbati, 10 *die Januarii*, 1710.

9. *Resolved*, That the Decree of a Baron-Court be admitted to be read, as Evidence to prove the sitting Member's Possession of those Lands for which he voted at the Election of the Shire of *Kinross*,

ross, though it was not produced when the Question was made to his Possession.

10. The Question being put, That the sitting Member was duly qualified to vote in the Election for the Shire of *Kinross*,

It passed in the Negative.

11. The Question being put, That the Petitioner do produce the Transcript of several Writings by him produced at the said Election;

It passed in the Negative.

12. *Resolved*, That the Petitioner was duly qualified to vote in the Election for the Shire of *Kinross*.

Martis, 13 *die Februarii*, 1710.

13. At the Hearing of the Election for *Dumfries*,

The Question being put, that the Petitioner be at liberty to call a Witness as to Matters preceding the Election, which were in general objected at the Election,

It passed in the Negative.

Jovis, 29 *die Aprilis*, 1714.

14. At hearing the Merits of the Election for the Burghs of *Anstruther Wester*, &c.

The Petitioner's Counsel producing a Writing as the Minutes of the Election of a Commissary at *Pettenweem*, signed by a publick Notary in the Absence of the Town-clerk to be read; and it being objected to by the sitting Member's Counsel, *&c.*

Resolved, That the Extracts of the Minutes of the Magistracy and Town-counsel of *Pittenweem*, upon their choosing a Commissioner for the said Borough, be read as Evidence, though not signed by the Town-clerk of the said Borough, but by a Clerk chosen in his Absence by the said Magis-

 trates

trates and Town-counſel upon the ſaid Election, and though no Evidence has been given, that the Town-clerk refuſed to give an Extract of the ſaid Minutes.

Sabbati, 7 *die Maii*, 1715.

15. On the further Hearing the Merits of the Election for the Borough of *Bridport* in the County of *Dorſet*,

Reſolved, That the Petitioner be admitted to give Evidence in relation to the Partiality of the Bailiff at the late Election of Members to ſerve in Parliament for the Borough of *Bridport*.

16. Mr. *Arthur Pain* being called;

The Petitioner's Counſel objected againſt his being examined, for that he had been charged by the Petitioner's Evidence with having (as Agent for Mr. *Strangeways*) diſtributed Money and Corn to Voters.

And the Queſtion being put, that the Counſel for the ſitting Member be admitted to examine *Arthur Pain*, touching *William Pierce*'s being of full Age at the Time of the laſt Election for the Borough of *Bridport*;

It paſſed in the Negative.

17. The Counſel for the ſitting Member examined ſeveral Witneſſes in relation to Wheat given by the Family of *Strangeways*, whether the ſame was an uſual Charity, as they inſiſted, or Bribery, as the Petitioner's Counſel inſiſted?

And *John Tucker* being called to be, *&c.*

And the Queſtion being put, that *Tucker* having been concerned in the diſtributing of Wheat to the Inhabitants of *Bridport*, before *Chriſtmas* laſt, be admitted to be examined as a Witneſs in this Cauſe,

It paſſed in the Negative.

Martis,

Martis, 28 *die Junii*, 1715.

18. The Houſe (according to Order) proceeded in the further Hearing the Merits of the Election for the County of *Bedford*, and the Counſel on both ſides were called in; and the Petitioner's Counſel calling a Witneſs to prove that one of the ſitting Member's Voters had no Eſtate in the Pariſh where his Freehold is ſet down on the Poll, the ſitting Member's Counſel objected againſt the giving ſuch Evidence, the Voter having ſworn he had an Eſtate there.

Reſolved, That the Counſel for the Petitioner be admitted to give Parole Evidence as to a Perſon's being no Freeholder, who ſwore himſelf to be a Freeholder at the Time of the Election.

Jovis, 30 *die Junii*, 1715.

19. The Houſe proceeded in the farther Hearing the Merits of the Election for the County of *Bedford*; and the Petitioner's Counſel proceeded farther to examine Witneſſes (in order to diſqualify Voters for the ſitting Members) to ſome, as to their not being rated to any Taxes, to others as to their not having any Eſtate in the Place they voted for, and to others as to their Eſtates being Copyholds; and afterwards the Petitioner's Counſel acquainted the Houſe, that they had Objections to many other Voters for the ſitting Member, in regard they did not pay to the publick Taxes in ſuch Proportion as other Eſtates of forty Shillings *per Annum*, in the ſame Place as the Acts of the tenth and twelfth of Queen *Anne* direct, and deſired the Directions of the Houſe, whether they ſhould go into ſuch an Examination, and of what Nature the Evidence ſhould be.

And the Act of the tenth Year of her late Majesty, intitled, *An Act for the more effectual preventing frandulent Conveyances, in order to multiply Votes for Knights of Shires to serve in Parliament*; and also,

An Act of the twelfth Year of her said late Majesty was read, for *explaining the said Act, as far as the same relates to the ascertaining the Value of Freeholds of forty Shillings* per Annum, were read.

And a Motion being made, and the Question being put, that where any Person pays to the King's Tax, Church, or Poor's Rates, and has sworn to the Value of his Freehold, such Freehold being in his own Possession, that this House will proceed unto the Consideration, whether such Freehold is assessed to the said Taxes and Rates in such proportion as other Lands of forty Shillings *per Annum*, within the same Parish or Township, are charged to the same,

It passed in the Negative.

Sabbati, 2 *die Julii*, 1715.

20. On the further Hearing the Merits of the Election for the County of *Bedford*, the sitting Member's Counsel producing a Paper, as the Rate for the Land-tax in the Year One thousand seven hundred and fourteen, for the Parish of *Potton*, to prove that one of the sitting Member's Voters had been rated thereto for the said Year; the Petitioner's Counsel objected against the same, it not being signed by the Assessors, or Commissioners, but only by the Collectors for the Land-tax; and the sitting Member's Counsel insisting upon it being read;

And the Question being put, that a Paper intled, *Potton Land-tax of two Shillings in the Pound for One thousand seven hundred and fourteen* (although not

not signed by the Assessors or Commissioners for the Land-tax) be read as Evidence;

It passed in the Negative.

Jovis, 14 *die Julii*, 1715.

21. On the farther Hearing the Merits of the Election for the County of *Bedford*—

The Question being put, that the Counsel for the sitting Member be admitted to examine *Edward Kemp*, to prove that *William Reynold* voted otherwise than he is set down upon the Sheriff's Poll,

It passed in the Negative.

Lunæ, 24 *die Februarii*, 1717.

22. Upon the Hearing for *Minehead*.

The Petitioner's Counsel proceeded and examined a Witness, one *John Viccary*, upon the Head of Bribery, who gave Evidence that *Thomas Wickland* had confessed to him that he had received half a Guinea for his Vote: Upon which the sitting Member's Counsel insisted, that the said *Thomas Wickland* should be called in to confront the said *Viccary*.

And he was called in; and the said *Viccary* gave his Evidence before the said *Wickland*; upon which the sitting Member's Counsel insisted, that the said *Wickland*, should be examined in relation to the Discourse that the said *Viccary* alledged to have passed between them; which the Petitioner's Counsel opposed.

Resolved, That *Thomas Wickland* be examined in the presence of *John Viccary*, in relation to the Discourse that the said *Viccary* alledged to have passed between them two, relating to the Money said to be confessed to be given to the said *Wickland* by the sitting Member for his Vote.

23. *Resolved*, That *Joseph Alloway*, having been charged to have been a Distributer of Bribes, be examined as a Witness in this Cause.

Veneris, 23 *die Junii*, 1721.

The House (according to Order) proceeded to hear the Matter touching the Election for the Borough of *Whitchurch*, in the County of *Southampton*; and the Counsel on both sides were called in, and the Petition of *John Couduit*, Esq; complaining of an undue Election and Return for the said Borough, was read.

And the Petitioner's Counsel producing a Copy of the Poll taken at the Election, which was delivered to the Petitioner's Agent by the Mayor of the said Borough as a Copy of the Poll; but was not examined with the original Poll by the Person to whom the same was delivered by the Mayor.

The sitting Member's Counsel objected to the said Copy's being admitted as Evidence; and the Counsel of both Sides were heard thereupon; and then the Counsel were directed to withdraw.

Resolved, That the Papers offered by the Counsel for the Petitioner as a Copy of the Poll taken at the late Election of a Burgess for the Borough of *Whitchurch*, in the County of *Southampton*, which was delivered to the Petitioner's Agent by the Mayor of the said Borough, as a Copy of the Poll taken at the said Election, be admitted as Evidence.

Jovis, 5 *die Martii*, 1729.

Upon the Hearing for Liverpool.

The Petitioner's Council proceeded to give Evidence touching the Neglects and Refusals by the Mayors (for three Years last) to hold Common-councils (in order to the admitting Freemen) according

cording to the Antient Usage of the Borough, and they produced one of the Record-books of the Borough, and an Entry therein of an Order made at an Assembly held the first Day of *May*, One thousand six hundred and seventy-nine, (appointed the first *Wednesday* in every Month to be a Council-day) was read; and several Witnesses were examined as to the frequent Callings of Common-councils formerly, and as to the Usage observed in admitting of Freemen, and also to undue Proceedings of the Mayor at the last Election; and his withdrawing himself from the Place of Polling before he had taken the Votes of several Persons who claimed to be admitted to vote for the Petitioner. And

Henry Orme being called, and examined, and producing a List taken by him, of divers Persons who gave their Votes for the Petitioner, after the Mayor had left the Place of Polling,

Resolved, That the Papers produced by *Henry Orme*, containing a List taken by him of Persons who voted for the Petitioner, after the Mayor had left the Place of Polling, be admitted as Evidence of such Persons voting.

Martis, 24 *die Martii*, 1729.

Liverpool.

26. *Resolved*, That Mr. *Richard Houghton* be admitted to give Evidence of Persons having declared to him, that they would have voted for the sitting Member, if any who were not sworn Freemen had been allowed to vote.

Veneris, 16 *die Januarii*, 1735.

27. *Ordered*, That the Counsel at the Bar of this House, or before the Committee of Privileges and Elections, be restrained from offering Evidence touching the Legality of Votes for Members to

ſerve in Parliament for any County, Shire, City, Borough, Cinque-port or Place, contrary to the laſt Determination in the Houſe of Commons, which Determination, by an Act paſſed in the ſecond Year of his preſent Majeſty's Reign, intitled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to ſerve in Parliament*, is made final to all Intents and Purpoſes whatſoever, any Uſage to the contrary notwithſtanding.

28. *Ordered*, That the ſaid Order be a ſtanding Order of the Houſe.

Martis, 10 *die Februarii*, 1735.

On a Hearing for Southwark.

29. A Motion was made, and the Queſtion being put, that the Counſel for the Petitioner be admitted to examine Perſons who voted at the laſt Election of Members to ſerve in Parliament for the Borough of *Southwark*, to prove that they voted otherwiſe, than they were ſet down to do upon the Bailiff's Poll.

It paſſed in the Negative, *Nemine contradicente.*

30. N. B. *There were read on this Occaſion two Reſolutions, out of the Journals*, viz. *twentieth Day of* January, *One thouſand ſeven hundred and ten, in the Caſe of* Samuel Freeman, *on a Hearing for* Rutlandſhire, *and fourteenth Day of* July, *One thouſand ſeven hundred and fifteen, in the Caſe of* Edward Kemp, *on a Hearing for* Bedfordſhire: *They are both to the Effect of the foregoing Reſolution.*

Jovis, 12 *die Februarii*, 1735.

On the further Hearing for Southwark.

31. A Motion was made, and the Queſtion being put, That the Petitioner's Counſel be admitted

to

to examine *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the ſitting Member; the ſaid *Thomas Gaman* having at the Time of the Election taken the Oath, which by the Act for preventing Bribery and Corruption in the Election of Members to ſerve in Parliament is appointed, if demanded, as therein is mentioned to be taken by Perſons having, or claiming to have, a Right to vote at Elections of Members to ſerve for the Commons in Parliament;

It paſſed in the Negative.

Martis, 23 *die Februarii*, 1735.

On a Hearing for Yorkſhire.

32. *Reſolved*, That Books called the Original Poll-books of the laſt Election of Members to ſerve in Parliament for the County of *York* produced by *Robert Appleton*, Deputy-clerk of the Peace for the Eaſt Riding of the ſaid County, and which were delivered over to him by the High Sheriff of the ſaid County in open Court, at the Quarter Seſſions of the Peace of the ſaid Riding, about two Months after the ſaid Election, as the original Poll taken at the ſaid Election, and which have been kept by him the ſaid Deputy-clerk of the Peace ever ſince, among the Records of the Seſſions of the Peace for the ſaid Riding, the ſaid Books not being delivered over by the ſaid Sheriff within the Time, nor upon Oath, as required by the Act of the tenth Year of the Reign of the late Queen *(for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to ſerve in Parliament)* be admitted as Evidence.

Jovis,

Jovis, 26 *die Februarii*, 1735.

On the further Hearing for Yorkſhire.

33. *Reſolved*, That the Counſel for the Petitioners be admitted to give Parol Evidence, as to a Perſon being no Freeholder at the Time of the Election, who ſwore himſelf then to be a Freeholder.

34. N. B. *Before the foregoing Reſolution paſſed, theſe following Journals were read*, viz.

Of the ſeventeenth Day of April, 4to C. 1. *touching an Election for* Yorkſhire, *and Reſolutions thereupon.*

Of the ſeventeenth Day of January, *One thouſand ſeven hundred and ten, in the Caſe of the County of* Rutland.

And of the ſeventeenth Day of April, *One thouſand ſeven hundred and thirty-five, in relation to the Parol Evidence given againſt the ſitting Member's Qualification, in the Caſe of the Borough of* Wendover.

Martis, 2 *die Martii*, 1735.

Upon the further Hearing for Yorkſhire.

35. *Reſolved*, That the Counſel for the Petitioners be admitted to give Evidence as to what a Voter confeſſed of his having no Freehold, who at the Election ſwore he had.

36. N. B. *Before the foregoing Reſolution paſſed, the following Journals*, &c. *were read*, viz.

Journal of the ſixteenth Day of April, *One thouſand ſeven hundred and thirty-five, in the Caſe of the County of* Northumberland,

And the Reſolution of the twelfth Day of February *laſt (ſupra) relating to* Thomas Gaman.

37. *Re-*

37. *Resolved*, That the Counsel for the Petitioner's be admitted to give Evidence as to a Person's having no Freehold at all, to whom the Petitioners objected in their List of Objections, that such Person had not a Freehold of forty Shillings *per Annum*.

Jovis, 22 *die Aprilis*, 1736.

38. *Upon the further Hearing for* Yorkshire.

The Counsel for the Petitioners summed up their Evidence; by which they alledged, That they had disqualified several Persons as not being assessed to the publick Taxes, Church-Rates, and Parish-Duties; — others, as having no Freehold in the Place where they swore that their Freeholds did lye; and of them, several as having no Estate at all, — as being Schoolmasters, — Parish-Clerks, — Curates, — Hospital-men, — Lease-holders and Copy-holders; others as not having Freeholds of forty Shillings *per Annum*; — as being Minors; — as having purchased their Freeholds within one Year before the Election; — as having been influenced to vote by Threats; — as having voted twice; — one, as being an Alien; and others whose Votes appear upon the Poll, though there are no such Persons either in the Places where they swore their Freeholds did lye, or in the Places where they swore that their abode was.

39. *Tho' the next foregoing Paragraph be not a Resolution, but an Enumeration by Counsel (collected by Mr.* Speaker) *of Objections against Persons voting as Freeholders; yet, 'tis conceived it may be of Use, to help the Memory on Elections for Counties*, &c.

Flint.

Flint.

Martis, 21 *die Maii*, 1728.

1. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Town of *Flint*, in the County of *Flint*, is in the Inhabitants of the Boroughs of *Flint*, *Rhydlan*, *Overton*, *Caerways*, *Caergurley*, paying Scot and Lot.

2. *Resolved*, That the Inhabitants of *Knolton* and *Overton-Foreign*, paying Scot and Lot in the Parish of *Overton*, have a Right to vote in the Election of a Burgess to serve in Parliament for the Town of *Flint*.

Jovis, 24 *die Martii*, 1736.

3. *On a Hearing for the Borough of* Flint.

The last Determination of the House, concerning the Right of electing a Burgess to serve in Parliament for the said Borough, made the twenty-first Day of *May*, 1728, was read,

And also

The standing Order made upon the sixteenth Day of *January*, 1735, for restraing Counsel from offering Evidence touching the Legality of Votes —— contrary to the last Determination of the House of Commons.

Martis, 5 *die Aprilis*, 1737.

On a further Hearing.

4. A Motion was made, and the Question being proposed, That the Inhabitants of the several Boroughs of *Flint*, *Rhydland*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton*, and *Overton-Foreign*) renting Lands or Tenements for which the

the Landlords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

And the previous Queſtion being put, that that Queſtion be now put;

It paſſed in the Negative.

Martis, 19 *die Aprilis*, 1737.

5. *On the further Hearing.*

The Counſel for the ſitting Member — examined ſeveral Witneſſes touching the Occaſion of examining upon Oath into the Qualification of the Electors, and of protracting the Poll, and touching Threats and abuſive Language offered to the returning Officers, and an Aſſault upon one of them, and the Declaration of the Number of Votes, and the Demand of a Scrutiny, and the Manner of declaring the Majority, and other Tranſactions at and after the ſaid Election.

And the Record of *Niſi Prius* upon an Information proſecuted againſt *Richard Williams*, Clerk, for the ſaid Aſſault upon *John Roberts*, one of the Returning Officers, being produced; the Verdict of the Jury, by whom the ſaid *Richard Williams* was convicted of the ſaid Aſſault, was read.

Jovis, 28 *die Aprilis* 1737.

6. *On a further Hearing.*

Reſolved, That Sir *George Wynn*, Bart. (the ſitting Member) is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Flint*, in the County of *Flint*.

Veneris,

Veneris, 19 *die Martii*, 1741.

7. *On a further Hearing.*

Resolved, That the Counsel for the Petitioners be admitted now to proceed to shew, that the Inhabitants of the several Boroughs of *Flint*, *Rhydlan*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton* and *Overton-Foreign*) renting Lands or Tenements for which the Landlords thereof, only pay Scot and Lot, have not a Right to vote in the Election of a Burgess to serve in Parliament for the Borough of *Flint*, in the County of *Flint*.

The Counsel were again called in; and Mr. *Speaker* acquainted them with the said Resolution.

Then the Counsel for the Petitioners were heard, in order to shew, that such Inhabitants have not that Right.

And the Counsel for the sitting Member were heard by way of Answer, and examined several Witnesses, in order to shew, that, by the Usage of the said Borough, some Landlords of Tenements are rated, and pay for Tenements occupied by their Tenants, and that Tenants have a Right to vote, and have voted, in the Elections of a Member to serve in Parliament for the said Borough.

And the Counsel for the Petitioners having replied; the Counsel on both Sides were again directed to withdraw.

A motion was made, and the Question being put, that the Inhabitants of the several Boroughs of *Flint*, *Rhydland*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton*, and *Overton-Foreign*,) renting Lands or Tenements, for which the Landlords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgess to serve in Parliament for the Borough of *Flint*, in the County of *Flint*.

It passed in the Negative.

Fowey.

Fowey.

Lunæ, 5 *die Maii*, 1701.

1. *Resolved*, (*by the Committee*) That the Right of electing Burgesses to serve in Parliament for the Borough of *Fowey* in the County of *Cornwall*, is in the Prince's Tenants who are capable of being Portreeves of the said Borough, and in such Inhabitants of the said Borough only as pay Scot and Lot.

It does not appear by the printed Votes that the House agreed to this Resolution.

Q. The Journal.

Freedom of Elections.

See Alms, Bribery, Offices, Riots, Treating.

Veneris, 3 *die Martii*, 1698.

1. *Resolved*, That the Proceedings of *William Hucks*, Esq; (in presuming to make use of the Authority of the Government to the Borough of *Abingdon*, in order to be elected a Burgess for the said Borough) is a scandalous Reflexion upon the Government, and tends to subvert the Freedom of Elections of Members to serve in Parliament.

2. *Ordered*, That the said *William Hucks*, Esq; be taken into Custody.

Mercurii, 18 *die Novembris*, 1702.

3. *Resolved*, *Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge which he exhibited against the Lord Bishop of *Worcester*.

4. *Resolved*, *Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge

Charge against Mr. *Lloyd*, the said Lord Bishop's Son.

5. *Resolved*, That it appears to this House, that the Proceedings of *William* Lord Bishop of *Worcester*, his Son and his Agents, in order to the hindering the Election of a Member for the County of *Worcester*, have been malicious, unchristian, and arbitrary, in Violation of the Liberties and Privileges of the Commons of *England*.

6. *Resolved*, That an humble Address be presented to her Majesty, that she will be graciously pleased to remove *William* Lord Bishop of *Worcester*, from being Lord Almoner to her Majesty.

7. *Ordered*, That the said Resolution and Address be presented to her Majesty, by such Members of this House as are of her Majesty's most honourable Privy-Council.

8. *Ordered*, That Mr. *Attorney General* do prosecute Mr. *Lloyd*, the Lord Bishop of *Worcester*'s Son, for his said Offences.

Mercurii, 25 *die Novembris*, 1702.

9. *Ordered*, That the Evidence given at the Bar of this House, upon the Charge of Sir *John Packington* against *William* Lord Bishop of *Worcester* and Mr. *Lloyd* his Son, be printed; together with the Proceedings of this House thereupon.

10. *Ordered*, That the Clerk's Book in relation to the said Evidence be examined; and that Mr. *Speaker* do take care of the Printing of the said Evidence and Proceedings.

Sabbati, 17 *die Martii*, 1710.

11. *Resolved*, That *Edward Tissard* Mayor of the said Borough (of *Weymouth* and *Melcombe Regis in Com. Dorset*) is guilty of several arbitrary and illegal

legal Practices, in the late Election of Members to serve in Parliament for the said Borough.

12. *Ordered*, That *Edward Tiffard*, Mayor of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, be taken into the Custody of the Serjeant at Arms attending the House, for the said arbitrary and illegal Practices.

13. *On* Monday *the* 22*d of* April *following he was brought to the Bar, reprimanded on his Knees, and discharged, paying his Fees.*

14. *And on the* 2*d of* May, 1711, *the like Votes were repeated concerning him on another Election.*

Mercurii, 14 *die Martii*, 1710.

15. *Resolved*, That it appears to this House, that *William* Lord Bishop of *Carlisle*, hath dispersed several Copies of a Letter, pretended to have been received from Sir *James Montague* (Member of this House) in order to procure Sir *James Montague* to be elected a Citizen of the City of *Carlisle*, reflecting on the Honour of her Majesty; and by concerning himself in the said Election, hath highly infringed the Liberties and Privileges of the Commons of *Great Britain.*

Jovis, 17 *die Martii*, 1725.

16. *Resolved*, *Nemine contradicente*, That it appears to this House, that Mr. *Richard Shrimpton*, Mayor of the Borough of *Cheping-Wicombe* in the County of *Bucks*, has been guilty of divers arbitrary, illegal, and partial Proceedings at the late Election of a Burgess to serve in this present Parliament for the said Borough of *Cheping-Wicombe*, in Violation of the Freedom of Elections of Members to serve in Parliament.

17. *Ordered*, That the said *Richard Shrimpton* be, for the said Offences, committed Prisoner to the

Prison of *Newgate*; and that Mr. *Speaker* do issue his Warrant accordingly.

18. *Resolved*, That *Edward Marshal* having presumed to read the Proclamation against Riots, while the Burgesses of the Borough of *Cheping-Wicombe* in the County of *Bucks* were legally assembled, by Virtue of his Majesty's Writ for electing a Burgess to serve in this present Parliament for the said Borough, without having sufficient Authority so to do, is guilty of an high Infringement of the Freedom of Elections.

19. *Ordered*, That the said *Edward Marshal* be, for the said Offence, taken into the Custody of the Serjeant at Arms attending this House.

Jovis, 27 *die Februarii*, 1700.

Upon a Hearing.

20. *Resolved*, That Mr. *Edward Martyn*, Mayor of the Town and Port of *Winchelsea*, is guilty of Threats and indirect Practices, in order to procure an Election of Members to serve in this present Parliament for the said Town and Port of *Winchelsea*.

He was ordered into Custody.

21. *Ordered*, That no Writ do issue this Session for electing, *&c.*

22. *And an Address was resolved on. That the King would order Mr.* Martyn *to be turned out of his Employment in the Customs.*

Which was done accordingly, as appears by the Votes, 3 Martii, 1700.

Grampound.

Martis, 13 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new

Writ

Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Grampound*, in the County of *Cornwall*, in the room of *Daniel Bovue*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Commiſſary General of the Muſters.

Grantham.

Jovis, 11 *die Januarii*, 1710.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Grantham*, in the County of *Lincoln*, is in the Freemen of the ſaid Borough not receiving Alms or Charity.

Harwich.

Martis, 6 *die Aprilis*, 1714.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Harwich*, in the County of *Eſſex*, is in the Mayor, Aldermen, and capital Burgeſſes, or Headboroughs of the ſaid Borough reſiding within the ſaid Borough.

Haſlemere.

Jovis, 9 *die Februarii*, 1698.

1. The Right of Election for the Borough of *Haſlemere*, *in Com. Surry*, was agreed to be in the Freeholders reſident within the Borough.

24 *die Aprilis*, 1755.

2. *Reſolved*, That in the laſt Determination of the Houſe, of the Right of Election for the ſaid Borough of *Haſlemere* in the County of *Surry*, made

the twentieth Day of *May*, in the Year One thousand six hundred and sixty-one, which is as followeth, *viz.* "That the Inhabitant Freeholders there have only Voice in Election." By the word, "Freeholders," is meant only Freeholders of Messuages, Lands, or Tenements, lying within the Borough and Manor of *Haslemere*, whether the same pay Rent to the Lord of the said Borough and Manor or not, exclusive of any Lands or Tenements which are, or have been Parcel of the Waste Ground of the said Borough and Manor, or any Messuages or Buildings which are, or shall be, standing or being thereon.

Hastings.

Veneris, 20 *die Januarii*, 1698.

1. *Resolved*, That the Right of Election of Members of Parliament, for the Port of *Hastings* in the County of *Sussex*, is in the Mayor, Jurats and Freemen resident, and not receiving Alms, only.

Jovis, 1 *die Aprilis*, 1742.

2. *Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Baron to serve in this present Parliament for the Port of *Hastings*, in the County of *Sussex*, in the Room of *Andrew Stone*, Esq; who, since his Election for the said Port, hath accepted the Office of Secretary of the Island of *Barbadoes*.

Haverford-West.

Lunæ, 4 *die Julii*, 1715.

1. *Resolved*, That the Proceeding of the Mayor and Common-Council of the Town of *Haverford-West*

West in making Burgesses without the Consent of the Commonalty, was illegal, and contrary to the Rights of the said Town; and that the Burgesses so pretended to be made, have not thereby acquired any Right of voting in any future Elections.

Hertford.

Martis, 27 *die Januarii*, 1701.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Hertford*, is not in such Persons only as are Inhabitants, Housholders of the said Borough not receiving Alms, and in such Freemen, who, at the Time of their Freedom granted to them, were Inhabitants of the said Borough, or of the Parishes thereof.

2. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Hertford*, is in all the Freemen, and also in all the Inhabitants, being Housholders, and not receiving Alms.

Jovis, 6 *die Decembris*, 1705.

3. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hertford*, is in the Inhabitants not receiving Alms, and in such Freemen only, as, at the Time of their being made Free, were Inhabitants of the said Borough, or the Parishes thereof; the Number of the Freemen living out of the Borough, not exceeding three Persons.

[*See the Votes of the Day following, where this Resolution is thus printed.*]

Hearing.

See EVIDENCE.

In the Sessions of the Years One thousand Seven hundred and seven-eight, and of One thousand Seven hundred and eight-nine, the Hearings for Elections were ordered to be at the Bar of the House, *and divers standing Orders were made* Sabbati, *the twenty-first day of* February, *One thousand Seven hundred and seven, for ballotting upon such Questions: but on the fifteenth of* November, *One thousand Seven hundred and nine, the former Method by Committes, was resumed.*

Lunæ, 18 *die Martii*, 1727.

1. *Resolved*, That in all Cases on double Returns, where the same shall be controverted, either at the Bar of this House, or in Committees of Privileges and Elections, the Counsel for such Person who shall be first named in such double Return, or whose Return shall be immediately annexed to the Writ or Precept, shall proceed in the first Place.

Ordered, and declared, That the said Order be a standing Order of the House. See 4.

2. *Martis*, 8 *die Junii*, 1714.

The House being informed, that (in relation to the Election for the Borough of *Harwich*, in the County of *Essex*, the Merits of which Election is to be heard To-morrow in the Afternoon, before the Committee of Privileges and Elections) the Sollicitors for the Petitioner and sitting Member had but yesterday delivered to each other, Lists of several Persons Names, whom they intend to object against, upon account of their not being qualified according to the Corporation Act, and that the Satisfaction of them will require some Time.

Ordered,

Ordered, That it be an Instruction to the said Committee, that they do put off the hearing the Merits of the said Election until To-morrow sevennight.

See *Monmouth*. 1.

3. *Veneris*, 16 *die Januarii*, 1735.

Resolved, That in all Cases of controverted Elections for Counties in *England* and *Wales* to be heard at the Bar of this House, or before the Committee of Privileges and Elections, the Petitioners do, by themselves or their Agents, within a convenient Time to be appointed either by the House, or the Committee of Privileges and Elections, as the Matter to be heard shall be before the House or the said Committee, deliver to the sitting Members or their Agents, Lists of the Persons intended by the Petitioners to be objected to, who voted for the sitting Members; giving, in the said Lists, the several heads of Objection, and distinguishing the same against the Names of the Voters excepted to; and that the sitting Members do, by themselves, or by their Agents, within the same Time, deliver the like Lists, on their Part, to the Petitioners, or their Agents.

[*The above was not a standing Order.*]

4. *Jovis*, 23 *die Martii*, 1737.

On a Hearing for New-Windsor,

On a double Return.

The Counsel for the Petitioner the Lord *Vere Beauclerk* (the Deputy-Clerk of the Crown attending, according to Order, with the last Return for the said Borough; and the said Petitioners Return appearing to be immediately annexed to the Precept) proceeded in the first Place, pursuant to the

ſtanding Order of the Houſe, made the eighteenth Day of *March*, One thouſand ſeven hundred and twenty-ſeven, and were heard. *See ſec.* 1. *above.*

Hedon.

1. *Martis*, 3 *die Aprilis*, 1746.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Hedon*, in the County of *York*, is in the Burgeſſes of the ſaid Borough.

Jovis, 5 *die Februarii*, 1746.

Upon the further Hearing for the Borough of *Hedon*, the Counſel were called in,

And the Counſel for the Petitioner proceeded in their Evidence, in order to diſqualify ſeveral other Perſons, who voted for the ſitting Member at the ſaid Election, as being influenced by Bribery.

And having propoſed to examine Witneſſes, in order to prove a Confeſſion, made both before and after the ſaid Election, by *William Ellis*, one of the ſaid Perſons, that he, the ſaid *William Ellis*, had received a Bribe to vote for the ſitting Member.

And the Counſel for the ſitting Member having objected to the Admiſſion of this Evidence, the ſaid *William Ellis* having, at the ſaid Election, taken the Oath appointed by an Act made in the ſecond Year of his preſent Majeſty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament*;

And the Counſel for the Petitioner having made Anſwer to that Objection;

And the Counſel for the ſitting Member having replied to that Anſwer;

The Counſel on both Sides were directed to withdraw.

The

The Houſe was moved, that the Journal of the Houſe of the twelfth Day of *February*, One thouſand ſeven hundred and thirty-five, might be read, in Relation to the Reſolution of the Houſe, in the Caſe touching the Election and Return for the Borough of *Southwark*, in the County of *Surry*, whereby the Petitioner's Counſel were reſtrained from examining *Thomas Gaman*, to prove his having received a Bribe to give his vote for the ſitting Member, the ſaid *Thomas Gaman* having at the Time of that Election, taken the Oath required by the ſaid Act.

The Houſe was alſo moved, that the Journal of the Houſe of the eighteenth Day of *January*, One thouſand ſeven hundred and forty-four, might be read, in Relation to the Proceedings of the Houſe in the Caſe, touching the Election and Return for the Borough of *Great-Marlow*, in the County of *Bucks*; when the Counſel for the Petitioner propoſed to prove, that a Perſon, who voted for the ſitting Member, had been induced to give his Vote both by Threats and Promiſes, and propoſed to prove that Fact by Evidence of the Confeſſion of that Perſon.

And the ſaid Journals were read accordingly.

The Counſel on both Sides were again called in; and the Counſel for the Petitioner were directed to proceed in their Evidence.

Then a Witneſs was examined, in order to prove the Confeſſion of the ſaid *William Ellis*, made before the ſaid Election, that he had received a Bribe to vote for the ſitting Member.

Then the Counſel on both Sides were direct to withdraw.

They were again called in.

And the ſaid Witneſs was further examined, in order to prove the like Confeſſion of the ſaid *William Ellis*, made after the ſaid Election.

A Motion

A Motion was made, and the Question being put, that the receiving of Sacrament-Money does disqualify Persons to vote in Elections of Members to serve in Parliament;

It passed in the Negative, *Nemine contradicente.*

Lunæ, 9 *die Februarii*, 1746.

2. *On the further Hearing for* Hedon.

Then the Counsel for the sitting Member alledged, that the Petitioner was incapable of being elected a Member to serve in Parliament, having been convicted of an Offence against an Act made in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*; by which Act every Person so offending, being convicted thereof, is for ever disabled to vote in any Election of Members to Parliament; and also to hold, exercise, and enjoy any Office, or Franchise, to which he then shall, or at any Time afterwards, may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque-Port, as if such Person was naturally dead.

And an attested Copy of the Record of the Judgment given upon the Action brought in the Court of *Common-Pleas* at *Westminster*, in *Hilary Term*, in the sixteenth Year of his present Majesty's Reign, against the Petitioner, for the Penalty contained in the said Act, was produced and read

And then the Counsel on both Sides were directed to withdraw.

Ordered, That the further Hearing of the Matter of the said Petition, be adjourned till To-morrow Morning.

Note, *On the eleventh of the same Month it was resolved, that the Petitioner was duly elected.*

Higham-

Higham-Ferrers.

Jovis, 28 *die Januarii*, 1702.

1. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Higham-Ferrers*, in the County of *Northampton*, is in the Mayor, Aldermen, Burgesses and Freemen, being Householders, and not receiving Alms.

Hindon.

Jovis, 3 *die Aprilis*, 1701.

1. *Resolved by the Committee*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hindon*, is in the Bailiff, Burgesses, and such Inhabitants only as pay Scot and Lot.

2. *Resolved*, That *R. C.* Esq; is not duly elected, *&c.*

3. *Resolved*, That *G. M.* Esq; is not duly elected, *&c.*

The first Resolution being read a second Time.

And a Motion being made, and the Question being put, That the House do agree with the Committee in the said Resolution;

It passed in the Negative.

The second Resolution being read a second Time,

Resolved, That it be re-committed.

4. *Ordered*, That the Matter, upon the Recommitment, be heard before the Committee of Privileges and Elections upon this Day three Weeks.

5. *Martis*, 13 *die Maii*, 1701.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hindon*, is

is in the Inhabitants of the ſaid Borough, not receiving Alms.

Agreed to by the Houſe.

6. *Veneris*, 12 *die Aprilis*, 1728.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Hindon*, in the County of *Wilts*, is in the Inhabitants of Houſes within the ſaid Borough, being Houſe-keepers and Pariſhioners, not receiving Alms.

Honiton.

Sabbati, 3 *die Februarii*, 1710.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants of the ſaid Borough, paying Scot and Lot only.

2. *Veneris*, 18 *die Decembris*, 1724.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants, Houſe-keepers within the ſaid Borough, commonly called *Pot-Wallers*, not receiving Alms of the Pariſh.

Horſham.

Jovis, 16 *die Junii*, 1715.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Horſham*, in the County of *Suſſex*, is in all ſuch Perſons as have an Eſtate of Inheritance, or for Life in Burgage-houſes or Burgage-lands, lying within the ſaid Borough.

Hyeth.

Hyeth.

Sabbati, 27 *die Jannarii*, 1710.

1. *Resolved*, That it is the Opinion of this Committee, that the Right of Election of Barons to serve in Parliament for the Town and Port of *Hyeth*, in the County of *Kent*, is in the Mayor, Jurats, Common-council and Freemen.

Agreed to by the House.

Ilchester.

Martis, 1 *die Aprilis*, 1679.

1. A double Return for *Ilchester* (in *Com. Somerset*).

First an Indenture between the High Sheriff of *Somerset* on one Part, and Sir *Edward Philips*, Knight, and eight other capital Burgesses of the other Part, witnessing, that they had chosen *Edward Philips* and *Robert Hunt*, Esqrs; in witness whereof the said Burgesses had put their common Seal.

A broad Seal affixed accordingly, and several Hands subscribed, but the Bailiff is not a Party, nor subscribed nor sealed it.

Secondly, An Indenture between the said Sheriff of one Part, and the Bailiff and Burgesses of the other Part, witnessing, that, *&c.* they had chosen *William Strode* and *John Speake*, Esqrs; in witness whereof the said Bailiff or his Deputy, together with the Burgesses, have put their Hands and Seals; there was only one Seal affixed, and over it *Thomas Hollyard*, Bailiff. On the same Indenture *John Lockyer*, *George Slade*, and on the Back, many Witnesses, *&c.*

Resolved,

Resolved, That the Indenture wherein *William Strode*, Esq; and *John Speake*, Esq; are returned Burgesses to serve in this present Parliament for the Borough of *Ilchester*, in the County *Somerset*, is well and duly returned, and by the proper Officer, and that thereupon they ought to sit as duly returned to serve in this present Parliament for the said Borough.

Inverness.

Martis, 23 *die Octobris*, 1722.

1. The House being informed by two of their Members, that they did see *Alexander Baillie*, whom they knew to be the Common-clerk of *Inverness* (the presiding Burgh of the District) sign and seal an Indenture of Return of *Duncan Forbes*, Esq; and that one of the said Members did see the said Common-clerk tender the same to the Sheriff-depute of the Shire of *Inverness*; and that the said Sheriff refused to accept the same: The said Indenture of Return was delivered in at the Table, where the same was read.

Resolved, *Nemine contradicente*, That the Clerk of the Crown do take off the File the Return signed by *Hugh Baillie*, the same not being signed by the Common-clerk of *Inverness*, being the presiding Borough at the last Election of a Burgess of the District of Boroughs of *Inverness*, *Nairn*, *Forres*, and *Fortrose*.

2. *Ordered*, That the Clerk of the Crown do annex to the Writ, the Return signed by *Alexander Baillie*, the Common-clerk of *Inverness*, the presiding Burgh of the said District of Burghs.

Robert Gordon, *the Sheriff-depute*, *and* Hugh Baillie, *were ordered to attend.*

Ipswich.

Ipswich.

Sabbati, 3 *die Februarii*, 1710.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Ipswich*, in the County of *Suffolk*, is in the Bailiffs, Portmen, and Common-council-men, and Freemen at large, not receiving Alms.

Mercurii, 31 *die Martii*, 1714.

2. *Resolved*, That Portmen are an essential constituent Part of the Great Court for making Freemen of the Borough of *Ipswich*; without some of which Portmen being present, the said Court cannot be held.

Jovis, 1 *die Aprilis*, 1714.

3. A Motion being made, and the Question being put, That the Persons voted Freemen at the pretended Great Courts held in the Corporation of *Ipswich*, the fifteenth of *June*, the seventh of *August*, the twenty-fifth of *September*, and the twenty eighth of *September*, One thousand seven hundred and eleven, without any legal Portmen then present, were duly made, and have a Right to vote for Members to serve in Parliament for the Borough of *Ipswich*;

It passed in the Negative.

St. Ives.

Martis, 8 *die Decembris*, 1702.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *St. Ives*, in the County of *Cornwall*, is in the Inhabitants

bitants of the ſaid Borough, paying Scot and Lot.

2. *Reſolved*, That Mr. *John Hicks*, Mayor of the ſaid Borough of *St. Ives*, is guilty of making a falſe Return of a Member to ſerve in Parliament for the ſaid Borough of *St. Ives*, contrary to the laſt Determination in Parliament.

3. *Ordered*, That the ſaid Mr. *John Hicks*, be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Launceſton.

Martis, 17 *die Martii*, 1723.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, is in the Mayor, Aldermen, and Freemen, being Inhabitants at the Time they were made free, and not receiving Pay of the Pariſh.

Lunæ, 24 *die Martii*, 1734.

2. *Reſolved*, That the Aldermen of the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, ought to be elected out of the legal Freemen of the ſaid Borough only.

Leiceſter.

Veneris, 8 *die Februarii*, 1705.

1. *Reſolved*, That ſuch Freemen, as were made free at the Charge of any of the Candidates, had not a Right to vote at the laſt Election of Burgeſſes to ſerve in Parliament for the Borough of *Leiceſter*.

2. *Reſolved*, That Perſons living in the Borough *Leiceſter*, by Certificate, not having gained a Settlement

tlement by renting ten Pounds a Year, or ſerving in an annual Office, are not intitled, by paying Scot and Lot, to vote in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Leſkeard.

1. *Martis*, 18 *die Novembris*, 1740.

The Houſe being acquainted, that no Return had been made into the Office of the Clerk of the Crown, of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Leſkeard*, in the County of *Cornwall*, in the Room of *George Dennis*, Eſq; deceaſed,

Ordered, That the Deputy-clerk of the Crown do attend this Houſe to-morrow Morning, with the Returns from the County of *Cornwall*, for this preſent Parliament, and likewiſe with his Docket-Book of Writs and Returns for the Election of Members to ſerve in Parliament.

2. The Houſe being informed that the Under-ſheriff of the County of *Cornwall*, was in Town,

Ordered, That the ſaid Under-ſheriff do attend this Houſe to-morrow Morning.

3. *The reſt of the Proceedings concerning this Return (which are too long for our Plan) are to be found at length in the printed Votes of the next Day. The Caſe briefly was, a Writ had duly iſſued, and a Precept had been made thereon, and duly executed, returned to the Under-ſheriff the Indenture by him compared with a Counter-part, which he executed for the Sheriff; the Writ and Return were, at the Under-ſheriff's Requeſt, ſent by the Town-clerk by Poſt, to the Under-ſheriff's Agent in* London, *to be conveyed to the Clerk of the Crown; but were taken by Robbers, and by them deſtroyed: It appeared by the Information of a Member and another Perſon, who were preſent, that* Charles

 Trelawney,

Trelawney, *Esq*; *was elected and returned*; *the Counter-part of the Indenture was produced and read*; *and* stat. 7 H. 4. *and Part of* 23 H. 6. *were read*; *and thereupon it was*

Ordered, *Nemine contradicente*, That the Deputy-clerk of the Crown do file among the Returns of Members to serve in this present Parliament for the County of *Cornwall*, the Counter-part of the Indenture executed by the Sheriff of *Cornwall*, of the Return of *Charles Trelawney*, Esq; to serve in this present Parliament as a Burgess for the Borough of *Leskeard*, in the said County, in the Room of *George Dennis*, Esq; deceased, as the Return of the said *Charles Trelawney*, to Parliament; it appearing to this House, that the Writ and the principal Part of the aforesaid Indenture, were taken away, in coming up to the Clerk of the Crown, by Highwaymen, who destroyed the same by burning them.

And he filed the same accordingly.

Lestwithiel.

Martis, 20 *die Decembris*, 1709.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Lestwithiel*, in the County of *Cornwall*, is in the Mayor and six capital Burgesses, together with the seventeen Assistants annually chosen, and who had a Right to vote at the preceding Election of a Mayor.

Lewes.

Lunæ, 8 *die Maii*, 1735.

1. *Resolved* (*by the Committee*) That the Right of Election of Burgesses to serve in Parliament for

the Borough of *Lewes*, in the County of *Sussex*, is in the Inhabitants, being Householders, paying Scot and Lot.

Agreed to by the House, *Nemine contradicente.*

Litchfield.

Sabbati, 10 *die Maii*, 1701.

1 *Resolved* (*by the Committee*) That the Bailiff, Magistrates, Freeholders of forty Shillings a Year, and all that hold by Burgage-Tenure, have a Right to vote in the Election of Citizens to serve in Parliament for the City of *Litchfield.*

2. *Resolved*, That such Freemen only of the said City as are inrolled, and pay Scot and Lot, have also a Right to vote in the Election of Citizens to serve in Parliament for the said City of *Litchfield.*

3. *Resolved*, That such Freemen of the Taylors Company as are inrolled in the old Book of the Constitutions of the Taylors Company in the City of *Litchfield*, have not a Right to vote in the Election of Citizens to serve in Parliament for the said City.

4. *Resolved*, That such Freemen only of the Taylors Company, as are inrolled in the new Book of the Constitutions of the Taylors Company in the City of *Litchfield*, have a Right to vote in the Election of Citizens to serve in Parliament for the said City.

To these four Resolutions the House agreed.

Mercurii, 10 *die Decembris*, 1718.

5. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Litchfield*, is in the Bailiffs, Magistrates, Freeholders of forty Shillings *per Annum*, and all that hold

by Burgage-Tenure, and in ſuch Freemen only of the ſaid City as are enrolled, paying Scot and Lot there.

Liverpool.

Jovis, 5 *die Martii*, 1729.

1. The Right of Election *(for the Borough of* Liverpool, *in the County Palatine of* Lancaſter) was agreed, by the Counſel on both ſides, to be in the Mayor, Bailiffs, and Freemen of the ſaid Borough, not receiving Alms.

Ludgerſhall.

Sabbati, 11 *die Februarii*, 1698.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Ludgerſhall*, in the County of *Wilts*, is in ſuch Perſons, who have an Eſtate of Inheritance, or Freehold, or Leaſehold, determinable upon Life, or Lives, within the ſaid Borough.

Ludlow.

Lunæ, 22 *die Decembris*, 1690.

1. *Reſolved*, That the new Charter, granted to the Town of *Ludlow*, by the late King *James*, whereby the antient Method of electing Burgeſſes for Parliament is altered, is illegal and void.

Mercurii, 1 *die Martii*, 1698.

2. *Reſolved*, That the Sons of Burgeſſes of *Ludlow*, and thoſe that marry the Daughters of Burgeſſes, have a Right to be made Burgeſſes of the ſaid Borough.

3. *Re-*

3. *Resolved*, That every Person having a Right to be made a Burgess of the Borough of *Ludlow*, ought to demand such his Right by Petition, signed by the Petitioner according to the Bye-Law made in the Year One thousand six hundred and sixty-three, and not otherwise.

Lymington.

Martis, 29 *die Decembris*, 1691.

1. *Resolved*, That the Corporation of *Lymington (in Com. Southampton)* is a Corporation by Prescription.

2. *Resolved*, That the Mayor and Burgesses of *Lymington* only have the Right to elect a Burgess to serve in Parliament for that Borough.

Martis, 18 *die Januarii*, 1695.

3. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Lymington*, is not in the Mayor, Burgesses, and Commonalty of the said Borough, paying Scot and Lot.

4. *Resolved*, That the Right of electing Members to serve in Parliament for the said Borough of *Lymington*, is only in the Mayor and Burgesses of *Lymington*, exclusive of the Commonalty, paying Scot and Lot.

Jovis, 11 *die Januarii*, 1710.

5. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Lymington*, in the County of *Southampton*, is not in the Mayor, Burgesses and Inhabitants of the said Borough, not receiving Alms.

6. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Lymington*, in the County of *Southampton*, is in the Mayor and Burgesses of the said Borough only.

Malden.

Veneris, 20 *die Maii*, 1715.

1. Mr. *Hampden* (according to order) reported, *&c.*—as follow, *viz.*

Resolved, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Malden*, in the County of *Essex*, is in such Freemen as do not receive Alms, and are intitled to Freedom by Birth, Marriage or Servitude.

2. *Resolved*, That it is the Opinion of this Committee, that such Persons who derive their Right to Freedom from Honorary Freemen of the Borough of *Malden* in the County of *Essex*, have not a Right to vote in the Election of Members to serve in Parliament for the said Borough.

3. *Resolved*, That it is the Opinion of this Committee, that Persons claiming their Freedom by Purchase, and exercising Trades within the Borough of *Malden*, in the County of *Essex*, have not a Right to vote in the Election of Members to serve in Parliament for the said Borough.

4. *Resolved*, That it is the Opinion of this Committee, that *John Comyns*, Serjeant at Law, having at the late Election of Members to serve in Parliament for the Borough of *Malden*, in the County of *Essex*, wilfully refused to take the Oath of Qualification, as is directed by an Act of Parliament of the ninth Year of the late Queen, (intitled *An Act for securing the Freedom of Parliaments, by the farther qualifying the Members to sit in the House of Commons*) though

though duly required ſo to do, and not having at any Time before the Meeting of this Parliament taken the ſaid Oath, his Election is thereby void.

Here follow two Reſolutions of the Committee; who are duly elected, *&c.*

The ſaid Reſolutions being ſeverally read a ſecond Time, and the Queſtion being ſeverally put upon the three firſt of the ſaid Reſolutions, that the Houſe do agree with the Committee in the ſaid Reſolutions.

It paſſed in the Negative.

The reſt of the Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

Malmesbury.

1. *Jovis*, 18 *die Decembris*, 1740.

A new Writ was ordered for Malmeſbury, *&c. in the Room of Mr.* Earle, *who, ſince his Election, accepted the Office of Clerk of his Majeſty's Ordnance.*

Marlborough.

Lunæ, 13 *die Maii*, 1717.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Marlborough*, in the County of *Wilts*, is in the Mayor and Burgeſſes of the ſaid Borough only.

2. *Jovis*, 27 *die Martii*, 1735.

The laſt Determination of the Houſe made the thirteenth Day of *May*, One thouſand ſeven hundred and ſeventeen, concerning the Right of Election of Members to ſerve in Parliament for the ſaid Borough, which was thereby reſolved to be in the

Mayor and Burgeſſes of the ſaid Borough only, was read.

And the Council for the Petitioners were heard, and having produced a Copy of the Poll taken at the ſaid Election, they offered to produce Evidence in order to diſqualify eleven Burgeſſes of the ſaid Borough, who voted at the ſaid Election, by controverting the Election of *Edward Bell*, one of the Common-council of the ſaid Borough and Town on which the Right of Election of thoſe Burgeſſes depended.

And the Counſel for the ſitting Members having objected to the Admiſſion of that Evidence, as contradicting a Verdict and Judgment given in Favour of the ſaid *Edward Bell*'s Claim, upon an Information in the Nature of a *Quo Warranto*, brought againſt him for exerciſing the Office of one of the Common-council-men of the ſaid Borough and Town.

A Copy of the Record of the ſaid Information, Verdict and Judgment, was produced and read.

And Copies of ſeveral Rules of the Court of *King's Bench* made in that Cauſe were alſo produced and read,

And the Counſel for the Petitioners were heard, in Anſwer to the Objections made by the Counſel for the ſitting Members, and alledged, that a Writ of Error upon the ſaid Judgment was now pending in Parliament, which the Counſel for the ſitting Members admitted.

And the Reſolution of the Houſe eight February, 7 Ann. *concerning* Thomas Smith, *Bailiff of* Bewdly; *and the Journal of the Houſe, the fifteenth and ſeventeenth of* April, *concerning an Election for* Queenborough, *were read.*

Reſolved, That the Council for the Petitioners be admitted to give Evidence to diſqualify the Votes of eleven Burgeſſes of the Borough and Town

Town of *Marlborough*, by controverting the Election of *Edward Bell* to be one of the Common-council of the ſaid Borough and Town of *Marlborough*, in contradiction to a Verdict obtained, and a Judgment given upon an Information in the Nature of a *Quo Warranto* brought againſt the ſaid *Edward Bell*, in favour of his Claim, to be one of the Common-council-men of the ſaid Borough and Town.

3. *Veneris*, 28 *die Martis*, 1735.

After many other Pieces of Evidence given this Day, it was

Reſolved, That *Edward Bell* was, before the ſeventh of *November*, One thouſand ſeven hundred and twenty-nine, duly elected and ſworn a Common-council-man of the Borough and Town of *Marlborough*.

4. *And then two Reſolutions paſſed in favour of the reſpective ſitting Members.*

Great Marlow.

Martis, 21 *die Decembris*, 1680.

1. *Reſolved*, That in the Borough of *Great Marlow*, in the County of *Bucks*, thoſe Inhabitants only who pay Scot and Lot, have a Right to give Voices in the Election of Burgeſſes to ſerve in this Parliament for the Borough, and

2. *Veneris*, 21 *die Novembris*, 1690.

The ſame Reſolution as above.

On

3. *Jovis*, 17 *die Januarii*, 1744.

On an Hearing for Great Marlow.

Resolved, That an Instrument in Writing, offered in Evidence by the Counsel for the Petitioner, as the original Will of *Elias Simes*, bearing date the eighth Day of *July*, One thousand seven hundred and thirty-eight, and containing a Devise of Lands, and produced at the Bar by *John Merchant*, as the original Will of *Elias Simes*; and which he the said *John Merchant* declared, he brought from *Doctors Commons*, be admitted to be given in Evidence, although no Proof be made of the said Will, by any of the subscribed Witnesses thereto.

Milbourn Port.

Martis, 8 *die Decembris*, 1702.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Milbourn Port*, in the County of *Somerset*, is only in the capital Bailiffs and their Deputies, in the Commonalty, Stewards, and the Inhabitants thereof, paying Scot and Lot.

Martis, 26 *die Januarii*, 1741.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Milbourn Port*, in the County of *Somerset*, in the Room of *Thomas Medlycott*, Esq; who, since his Election for the said Borough, hath accepted the Office of one of the Commissioners for licensing Hawkers and Pedlars.

2 *die*

2 die Decembris, 1747.

Resolved, That the Execution of the Precept for electing Burgesses for the Borough of *Milbourn Port*, in the County of *Somerset*, and the making the Return thereof, are only in the two Sub-bailiffs of the said Borough, or in one Sub-Bailiffs of the said Borough, if there are not two.

Minehead.

Jovis, 23 *die Maii*, 1717.

1. The Clerk of the Crown attending (according to Order) with the Return for the Borough of *Minehead*, in the County of *Somerset*,

The Indenture annexed to the Writ, and returned by the Sheriff to the Clerk of the Crown, and the Sheriff's Return endorsed upon the Writ, were read.

Then the High-sheriff was called in, and delivered in the Receipt which was given him upon the Delivery of the Precept.

And the said Receipt was read, and the High Sheriff examined, and then he withdrew.

Afterwards the Under-sheriff was called in and examined; and then he withdrew.

Then *John Jones*, one of the Constables of *Minehead*, was called in and examined, and he produced two Precepts with Receipts endorsed thereupon, and the two Indentures of Return, which were read, and then he withdrew.

Also Mr. *Blake* of *Minehead* was called in and examined, and then he withdrew.

And a Motion being made, and the Question being put, that the Merits of the Election, and Return for the Borough of *Minehead*, in the County of *Somerset*,

Somerset, be referred to the Committee of Privileges and Elections;

It passed in the Negative.

2. *Resolved*, That the Indenture signed by the Burgesses of *Minehead*, in Return to the Sheriff of the County of *Somerset*'s Precepts for electing Burgesses to serve in this present Parliament for the said Borough, not being signed by *John Jones*, one of the said Burgesses to whom the said Sheriff caused his Precept to be delivered, is an undue and insufficient Return.

3. *Resolved*, That the Indenture signed by the said *John Jones*, and other Burgesses of the said Borough of *Minehead*, and which was tendered to the said Sheriff, is a due and sufficient Return.

4. *Ordered*, That the Clerk of the Crown do take off from the Writ, the Indenture signed by the Burgesses of the Borough of *Minehead*, in the County of *Somerset*, which is not signed by *John Jones*, one of the said Burgesses, to whom the Sheriff caused his Precept to be delivered.

5. *Ordered*, That the Sheriff of the County of *Somerset*, do receive and annex to the Writ the Indenture signed by *John Jones*, and others the Burgesses of the said Borough of *Minehead*.

6. *Ordered*, That *Samuel Edwyn*, Esq; and *Thomas Gage*, Esq; have liberty to Petition this House in relation to the Election for the said Borough of *Minehead*, within fourteen Days next, if they think fit.

7. *Jovis*, 13 *die Junii*, 1717.

Resolved, That the Constables of *Minehead* are the proper Officers to whom the Precept for electing Burgesses to serve in Parliament for the Borough of *Minehead*, in the County of *Somerset*, ought

ought to be delivered, and to whom the Execution of ſuch Precept doth belong.

8. *Lunæ*, 24 *die Februarii*, 1717.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, is in the Pariſhioners of *Minehead* and *Dunſter*, being Houſekeepers in the Borough of *Minehead*, and not receiving Alms.

Lunæ, 8 *die Januarii*, 1721.

9. A Petition of *John Thomas* and *John Floyd*, Conſtables of the Borough of *Minehead*, in the County of *Somerſet*, was preſented to the Houſe and read, ſetting forth, that they are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the ſaid Borough ought to be delivered, and to whom the Execution of ſuch Precept doth belong; but that at the late Election of a Burgeſs to ſerve in Parliament for the ſaid Borough, the High-ſheriff cauſed the Precept to be delivered to *John Viccary* and *Joſeph Sherry*, and hath accepted a Return from them, and tranſmitted the ſame to the Clerk of the Crown, in defiance of the Reſolution of this Houſe of the thirteenth of *June*, One thouſand ſeven hundred and ſeventeen, and did refuſe to accept a Return from the Petitioners, though tendered to him by one of the Petitioners in Perſon; and praying the Houſe to take the Premiſſes into Conſideration, and give ſuch Relief as they ſhall think proper.

The Journal of the Houſe of the ſaid thirteenth Day of *June*, One thouſand ſeven hundred and ſeventeen, relating to the Right of returning Members

bers to ſerve in Parliament for the ſaid Borough, was read.

Ordered, That the Clerk of the Crown do attend this Houſe to-morrow Morning, with the Return of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceaſed.

10. The Houſe being informed, that *John Thomas* and *John Floyde* (Petitioners) were attending at the Door with the Return by them tendered to the High-ſheriff of the County of *Somerſet*,

Ordered, That *John Thomas* and *John Floyde* (Conſtables of the Borough of *Minehead*, in the County of *Somerſet)* do attend this Houſe to-morrow Morning, with the Return which was by them tendered to the High-ſheriff of the County of *Somerſet*.

11. *Martis*, 9 *die Januarii*, 1721.

The Clerk of the Crown attending (according to Order) with the Return of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceaſed, the ſaid Return was read, which was ſigned by ſeveral of the Burgeſſes of the ſaid Borough; and alſo the Precept of the Sheriff directed to the Burgeſſes, and Electors of the ſaid Borough of *Minehead* was read; but there was not any Indorſement on the Back of the ſaid Precept.

And *John Thomas* and *John Floyde*, (Conſtables of the ſaid Borough) were called in and examined, and then they withdrew.

And a Witneſs was examined, who delivered in the Court-Rolls of the Manor and Borough of *Minehead*, at a Court held *October* the nineteenth, One thouſand ſeven hundred and twenty-one, where the

the Conſtables of the ſaid Borough were appointed, and ſo much of the ſaid Rolls as related to the appointing of Conſtables was read.

And then *John Thomas* and *John Floyde*, (Conſtables of the ſaid Borough) were called in, and at the Bar delivered in the Indenture of Return, which was by them tendered to the High-ſheriff of the County of *Somerſet*, after the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough. And then they withdrew.

And the ſaid Indenture was read.

And the Reſolution of the Houſe of the thirteenth of *June*, One thouſand ſeven hundred and ſeventeen, by which it was reſolved, that the Conſtables of *Minehead* are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the ſaid Borough ought to be delivered, and to whom the Execution of ſuch Precept doth belong, was read.

Ordered, That the Clerk of the Crown do take off from the File the Indenture ſigned by *John Viccary*, and *Joſeph Sherry*, and other Burgeſſes of the Borough of *Minehead*, in the County of *Somerſet*, the ſame not being ſigned by the Conſtables of the ſaid Borough.

12. *Ordered*, That the Clerk of the Crown do receive and annex to the Writ, for the electing of a Burgeſs for the ſaid Borough, the Indenture delivered into this Houſe by the Conſtables of the ſaid Borough, which was ſigned by them, and tendered to the High-ſheriff of the County of *Somerſet*.

13. *Reſolved*, That *John Viccary* and *Joſeph Sherry*, having preſumed to act as the Returning Officer at the late Election of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in defiance of the Reſolution of

this Houſe, are guilty of a high Crime and Miſdemeanor.

14. They were ordered into Cuſtody; and the High-ſheriff, and Under-ſheriff of the County were ordered to attend.

Jovis, 11 *die Januarii*, 1721.

15. *Reſolved*, That *John Fox* being employed to carry the Writ for the late Election of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, to the High-ſheriff of the County of *Somerſet*, has been guilty of a Breach of Truſt in delivering the ſame to a Candidate.

16. *Ordered*, That the ſaid *John Fox* be, for the ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Jovis, 18 *die Januarii*, 1721.

17. A Motion being made, *&c.* that *John Wills*, Eſq; is guilty of a Crime, in having cauſed the Writ for the late Election of a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Minehead*, in the County of *Somerſet*, to be delivered to a Candidate;

It paſſed in the Negative.

18. A Motion being made, and the Queſtion being put, that Sir *Richard Lane*, Knight, being a Candidate at the late Election of a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Minehead*, in the County of *Somerſet*, is guilty of a Crime in receiving and detaining the Writ directed to the Sheriff for the ſaid Election;

It paſſed in the Negative.

Mitchell.

Mitchell.

Jovis, 12 *die Decembris*, 1689.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the said Borough, (*Mitchell in Com. Cornub.*) is in the Lords of the Borough, who are liable to be chosen Port-reeves thereof, and in the Householders of the same, not receiving Alms.

2. *Mercurii*, 12 *die Decembris*, 1690.

The same Resolution agreed to by both Parties.

3. *Jovis*, 20 *die Martii*, 1700.

Resolved, That the Right of Election of Members to serve in Parliament for the Borough of *Mitchell*, in the County of *Cornwall*, is in the Port-reeves and Lords of the Manor, who are capable of being Port-reeves, and the Inhabitants of the said Borough paying Scot and Lot.

Monmouth. See *WALES*. P. 92.

1. *Veneris*, 26 *die Novembris*, 1680.

Resolved, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Monmouth*, doth not belong to the Burgesses, Inhabitants of the Borough of *Monmouth* only.

2. *Resolved*, That the Burgesses Inhabitants of the Boroughs of *Newport* and *Uske*, in the County of *Monmouth*, have a Right by vote in the Election of a Burgess to serve in Parliament for the said Borough of *Monmouth*.

3. *Sabbati*, 11 *die Junii*, 1715.

The House proceeded to the hearing the Matter of the Petition of *Andrews Windsor*, Esq; touching the Election and Return for the Borough of *Monmouth*.

The Counsel for the Petitioner insisting to proceed upon the Merits of the Return in the first Place, which the Counsel for the sitting Member opposing, and insisting that the Merits of the Election ought to be proceeded on at the same time, *&c.*

Resolved, That the Counsel for the Petitioner be directed to proceed upon the Merits of the Election, as well as upon the Merits of the Return for the Borough of *Monmouth*.

4. *Martis*, 14 *die Junii*, 1715.

The Clerk of the Crown attending with the Return for the Borough of *Monmouth*, the same was read, and appeared to be made by the Mayor of *Newport*, and several Burgesses of *Monmouth*, *Newport* and *Uske*, without the Precept from the Sheriff of the County of *Monmouth* being annexed thereto.

Ordered, That the Clerk of the Crown do take the said Return off the File.

And he took the same off accordingly.

And the House being acquainted that the Mayor of *Monmouth* was in Town with the Return for the said Borough annexed to the Precept to him directed;

Ordered, That the Mayor of the Borough of *Monmouth*, do forthwith deliver to the Clerk of the Crown the Return (with the Precept annexed) of a Burgess to serve in this present Parliament for the said Borough; and that the Clerk of the Crown do annex the same to the Writ returned by the Sheriff of the County of *Monmouth*.

Montgomery.

Montgomery.

1. *Martis*, 1 *die Aprilis*, 1679.

Double Return for the Borough of Montgomery.

One Indenture between the Sheriff of the County of one Part, and —— *Whittingham* and *Roger Jones*, Bailiffs, and many Burgesses of the other Part, wherein Mr. *Matthew Price* is returned. Signed by both Bailiffs, and many Burgesses, and a large Seal against the Bailiffs Names, and a Seal to each of the Burgesses Names.

Another between the Sheriffs of one Part, and many Burgesses of the Borough of *Montgomery*, *Pool*, and *Kanvilling* of the other Part, whereby Mr. *Edward Lloyd* is returned. Signed by many Burgesses, neither of the Bailiffs Hands, nor any Seal at all.

Resolved, That the Indenture wherein *Matthew Price*, Esq; is returned to serve in this Parliament for the Borough of *Montgomery*, is well and duly returned, and by the proper Officers, and that thereupon he ought to sit in this present Parliament, as well returned for the said Borough of *Montgomery*.

2. *Martis*, 16 *die Aprilis*, 1728.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Shire Town of *Montgomery*, is in the Burgesses of the said Shire-Town only.

Morpeth.

1. *Lunæ*, 9 *die Martii*, 1694.

Resolved, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Morpeth*,

(in Com. Northumberland) is only in the Bailiffs and Free Burgesses of the said Borough.

Newark.

Jovis, 11 *die Januarii*, 1699.

Resolved, That the Mayor, Aldermen, and all the Inhabitants within the Borough of *Newark* upon *Trent*, *(in Com. Nottingham)* who pay, or ought to pay Scot and Lot within the said Borough, have a Right to vote at the Election of Members to serve in Parliament for the said Borough.

Newtowne.

1. *Martis*, 22 *die Aprilis*, 1729.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Newtowne* in the Isle of *Wight*, in the County of *Southampton*, is in the Mayor and Burgesses of the said Borough, having Borough-Lands within the said Borough.

North Allerton.

Martis, 30 *die Aprilis*, 1745.

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament, for the Borough of *North Allerton*, in the County of *York*, in the Room of *William Smelt*, Esq; who, since his Election for the said Borough, hath accepted the Office of Receiver of his Majesty's casual Revenue in the Island of *Barbadoes*.

Northampton.

Northampton.

26 *die Aprilis*, 16 Ch. 2.

1. *Resolved*, That the Inhabitants of the Town of *Northampton*, being Housholders, and not receiving Alms, are the proper Electors for that Town; and that the sharing in the charitable Gift appointed to be distributed at *Christmas*, is a taking of Alms.

Lunæ, 11 *die Novembris*, 1678.

2. It appearing to the House, that the Precept from the Sheriff was directed to the Mayor and Justices for the Borough of *Northampton*, and that the Indenture annexed to the Writ, whereby Sir *William Temple* is returned for the said Borough, is not signed by the Mayor, nor the Seal of the Corporation fixed thereto. And that the Indenture whereby *Ralph Montague*, Esq; is returned, is signed by the Mayor, and the Seal of the Corporation fixed thereto, and that the same is annexed to the Precept of the Sheriff.

Resolved, *Nemine contradicente*, That the Indenture annexed to the Writ, whereby Sir *Richard Temple* is returned to serve as a Burgess for the said Borough of *Northampton*, is not a sufficient Return.

3. *Resolved*, *Nemine contradicente*, That the Indenture signed by the Mayor of *Northampton*, and sealed with the common Seal of the Corporation, and which is annexed to the Sheriff's Precept, whereby *Ralph Montague*, Esq; is returned to serve for the said Borough, is a due Return, and ought to be annexed to the Writ.

And the Sheriff was ordered to annex the same accordingly; and

Was ordered into Custody of the Serjeant of Arms.

4. *Veneris*, 21 *die Martii*, 1734.

The Houſe (according to Order) proceeded to the hearing of the Matter of the Petition of *Edward Montague*, Eſq; complaining of an undue Election and Return for the Town and Borough of *Northampton* in the County of *Northampton*.

And the laſt Determination of the Houſe concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Town, made the twenty-ſixth Day of *April*, in the ſixteenth Year of the Reign of King *Charles* the Second was read; whereby it was Reſolved, That the Inhabitants of the Town of *Northampton*, being Houſholders, and not receiving Alms, are the proper Electors of Burgeſſes for that Town; and that the ſharing in the charitable Gift appointed to be diſtributed at *Chriſtmas* is a taking of Alms.

5. And the Counſel for the Petitioner was heard, and inſiſting that the Freemen of the ſaid Town having uſually voted at former Elections, ſubmitted to the Houſe, whether the ſaid Freemen are excluded by the ſaid Reſolution?

And the Counſel for the ſitting Member was alſo heard, and inſiſting that the ſaid Reſolution having declared the Inhabitants of the ſaid Town, being Houſholders and not receiving Alms, to be the proper Electors of Burgeſſes to ſerve in Parliament for that Town, ſubmitted it to the Houſe whether the Right of Election is not in them only?

Then the Counſel for the Petitioner acquainted the Houſe, That if it was their Opinion that the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Town, was by the ſaid Reſolution confined to the Inhabitants thereof being Houſholders, and not receiving Alms, he was not prepared to maintain a Majority of Votes for the Petitioner,

and would in that Caſe give the Houſe no further Trouble.

Reſolved, That the Honourable *George Compton*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Town of *Northampton*.

Norwich.

1. *Jovis*, 12 *die Martii*, 1701.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Norwich*, is in the Freeholders, and ſuch Freemen only of the ſaid City, as are entered in the Books, and do not receive Alms or Charity.

2. *Reſolved*, That ſuch Perſons as had a Right to their Freedom in the City of *Norwich*, before the Teſt of the Writ, and took out their Freedom after the ſaid Teſt, not having demanded the ſame before the ſaid Teſt, had not a Right to vote in the laſt Election of Citizens to ſerve in this preſent Parliament for the ſaid City.

3. *Jovis*, 6 *die Decembris*, 1705.

Reſolved, That *William Blyth*, Eſq; late Mayor of the City of *Norwich*, by printing and publiſhing a pretended *By-law* made in the Year One thouſand ſix hundred and forty, contrary to *Magna-Charta*, in order to terrify the Electors of the ſaid City from free and impartial voting in the late Election of Members to ſerve in Parliament for the ſaid City, is guilty of an illegal and arbitrary Proceeding.

4. *Ordered*, That the ſaid *William Blyth* be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Oakhampton.

1. *Sabbati*, 24 *die Februarii*, 1710.

Resolved, That the Right of electing Members to serve in Parliament for the Borough of *Oakhampton*, in the County of *Devon*, is in the Freeholders and Freemen, being made Free according to the Charter and By-Laws of the said Borough.

Oaths,

See BRIBERY, LONDON, QUAKERS, SCOTLAND.

1. The Oaths which may be required to be taken at Elections are either to the Competency of the Fortune of the Voter, or of the Candidate; or to their Loyalty; or against Bribery in the Voter, or Returning Officer: The Oaths for this last Head are to be found under Title *Bribery*; the rest are as follow, except for *London* and *Scotland*, which see.

Jovis, 16 *die Decembris*, 1708.

2. *Resolved*, That Mr. *John Huggins*, High Bailiff of *Westminster*, at the late Election of Citizens to serve in this present Parliament for the City of *Westminster*, has, in Defiance of the Law, arbitrarily and illegally refused to tender the Oath of Abjuration when required so to do, and thereby is guilty of a high Crime and Misdemeanour.

3. *Ordered*, That the said Mr. *Huggins* for his said Offence be committed to her Majesty's Prison of *Newgate*, and that Mr. *Speaker* do issue his Warrants for that Purpose.

Offices and Employments.

1. *Veneris*, 10 *die Februarii*, 1698.

Resolved, That *James Isaackson*, having since his being elected to serve in this Parliament, been concerned and acted as a Commissioner in managing the Duties upon Vellum, Paper and Parchment, contrary to the Act made in the fifth and sixth Years of his Majesty's Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, be expelled this House.

And

2. *Lunæ*, 13 *die Februarii*, 1698.

The like Vote upon *Henry Cornish*, Esq; a Commissioner for the same Duties.

And

3. *Martis*, 14 *die Februarii*, 1698.

The like Vote upon Sir *Henry Furnese*, a Collector and Manager upon the Act 9 and 10 *W*. 3. for raising a Sum not exceeding two Millions, *&c.* contrary to the Act 5 and 6 *W*. 3.

4. The same Day,

The like Vote upon *Samuel Atkinson*, Esq; a Commissioner, upon 9 and 10 *W*. 3. for licensing Hawkers and Pedlars, *&c.* contrary to the Act 5 and 6 *W*. 3.

5. *Lunæ*, 20 *die Februarii*, 1698.

The like Vote upon *William Woollaston*, Esq; Receiver of the Duties upon Houses, as also upon Births, *&c.* contrary to the Act 5 and 6 *W*. 3.

The like Votes have been on many others; but the Style has since been softened, as appears by many of the Votes which follow under this Head.

6. *Mercurii*,

6. *Mercurii*, 9 *die Februarii*, 1708.

The Houſe being acquainted, that Sir *Richard Allen*, lately adjudged to be duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunwich*, deſires the Opinion of the Houſe, before he takes his Place, upon the Clauſe in the Act of Parliament of the twelfth and thirteenth Years of King *William*, intitled, *An Act for granting an Aid to his Majeſty, for defraying the Expence of his Navy, Guards and Garriſons for one Year, and for other neceſſary Occaſions*, which relates to the Officers of the Cuſtoms, in regard he was by Letters Patents granted by King *Charles* the Second, dated the thirty-firſt Day of *May*, in the thirtieth Year of his Reign made (by the Name of *Richard Anguiſh*) Collector of the great and petty Cuſtoms, in the Port of *Yarmouth*, for his Life; but ſurrendered ſuch Office the ſeventh Day of *February* inſtant, which was acknowledged and enrolled the next Day.

And a Debate ariſing in the Houſe thereupon, and a Motion being made, and the Queſtion being put, that the Debate be adjourned,

It paſſed in the Negative.

Then the ſaid Letters Patents and Surrender were produced, and the Surrender read.

Reſolved, That the ſaid Sir *Richard Allen*, be admitted to take his Seat in this Houſe.

7. *Sabbati*, 23 *die Decembris*, 1710.

Ordered, *&c.* a new Writ for a Burgeſs in the Room of *James Worſley*, Eſq; who ſince his being elected, hath been by her Majeſty appointed Woodward of the New-Foreſt.

8. *Lunæ*,

8. *Lunæ*, 5 *die Februarii*, 1710.

Ordered, *&c.* a new Election in the Room of Sir *James Wisheart*, who since his Election has been appointed by her Majesty, to be one of the Commissioners for executing the Office of Lord High Admiral of *Great Britain.*

9. *Lunæ*, 12 *die Februarii*, 1710.

In the Case of Sir William Gifford, *Governor of* Greenwich-Hospital, *it did not incapacitate him to sit in Parliament pursuant to* Stat. 4. Ann. *because it appeared on inspecting the Constitution of the said Hospital that it was before the said Statute.*

10. *Sabbati*, 17 *die Februarii*, 1710.

A new Election ordered in the Room of the Earl of *Hertford*, who since his Election had been appointed Governor of *Tinmouth-Fort.*

11. *Martis*, 10 *die Aprilis*, 1711.

The House proceeded to take into Consideration the Charters of Sir *John Anstruther*, relating to his heritable Offices in *Scotland*, descended to him from his Father, and the Charter of the twenty-ninth of *April*, One thousand seven hundred and four, was read, constituting the said Sir *John Anstruther*'s Father, and his Heirs Males to be hereditary and perpetual Inspectors and Searchers of all prohibited and uncustomed Goods, and Keepers of the Cocquets in the Ports of *Ely* and *Anstruther*, in the Kingdom of *Scotland:* And also several Clauses in an Act of 12 and 13 *William* the Third, entitled, *An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions*, was read,

And

And alſo a Clauſe in the Act of the ſixth Year of his Majeſty's Reign, Chap. 7. entitled, *An Act for the Security of her Majeſty's Perſon and Government, and of the Succeſſion to the Crown of* Great-Britain *in the Proteſtant Line*, was read.

Reſolved, That the Hereditary Offices of an Inſpector and Searcher of all prohibited and uncuſtomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anſtruther* in *North-Britain*, are within the meaning of the Act of Parliament of the twelfth and thirteenth Years of his late Majeſty King *William*, whereby any Member of the Houſe of Commons, having an Office, Place, or Employment, concerning the farming, managing, or collecting the Cuſtoms, is abſolutely incapable of being a Member of this Houſe.

12. *Reſolved*, That Sir *John Anſtruther* having, by the Death of his Father, the hereditary Offices of an Inſpector and Searcher of all prohibited and uncuſtomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anſtruther*, in *North-Britain*, deſcended to him, but not having taken, enjoyed, or executed the ſame, is capable of being a Member of this Houſe.

13. *Lunæ*, 28 *die Martii*, 1715.

The Houſe being informed that *John Richmond Webb*, Eſq; deſires the Opinion of this Houſe, in relation to his taking his Place in the Houſe, in reſpect of his being conſtituted Governor of the *Iſle of Wight* by Letters Patents which paſſed the Great Seal ſince his Election, but iſſued purſuant to a Warrant granted before the Election.

Ordered, That the ſaid Warrant and Letters Patents be laid before this Houſe.

14. *Jovis*,

14. *Jovis*, 7 *die Julii*, 1715.

The Houſe being acquainted that *George Carpenter*, Eſq; ſince his Election for the Borough of *Whitchurch*, is appointed his Majeſty's Envoy to the Court of *Vienna*, and that he deſires to know the Senſe of the Houſe, whether he is included in the Diſability of the Act of the ſixth Year of her late Majeſty, and the Clauſe in the ſaid Act relating thereto was read;

And the Queſtion being put, that *George Carpenter*, Eſq; being appointed his Majeſty's Envoy at the Court of *Vienna* ſince his Election for the Borough of *Whitchurch*, in the County of *Southampton*, his Election for the ſaid Borough is thereby become void.

It paſſed in the Negative.

15. *Sabbati*, 24 *die Martii*, 1715.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Andover* in the County of *Southampton*, in the room of the honourable *James Brudenell*, who (ſince his Election for the ſaid Borough) hath accepted the Office of Maſter of the Jewel-Office to his Majeſty.

16. *Martis*, 28 *die Martii*, 1716.

The Houſe being informed that the Letters Patents by which the Office of *Garter*, principal King of Arms, after the Death of Sir *Henry St. George* was granted by her late Majeſty to *John Anſtis*, Eſq; have been delivered to the Clerk of this Houſe, and are now on the Table.

Ordered, That the ſaid Letters-Patents be now read.

The

The ſaid Letters-Patents were read.

And a Motion being made, that Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, in the Room of *John Anſtis*, Eſq; who ſince his Election for the ſaid Borough hath accepted the Office of *Garter* principal King of Arms, granted to him by her late Majeſty after the Death of Sir *Henry St. George*, who is now dead;

And a Debate ariſing in the Houſe thereupon,

Ordered, That the Debate be adjourned until *Friday* ſeven-night.

Reſolved, That the Houſe do adjourn till *Monday* ſeven-night.

The Houſe being adjourned to a longer Day, than the Debate, there was nothing done in it this Seſſion. See below, *Sect.* 30.

17. *Veneris*, 15 *die Junii*, 1716.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Eye* in the County of *Suffolk*, in the room of *Edward Hopkins*, Eſq; who ſince his Election for the ſaid Borough, hath accepted the Office of one of the Commiſſioners of his Majeſty's Revenue in *Ireland*.

18. *Martis*, 26 *die Junii*, 1716.

The like for the Borough of *Old Sarum*, in the County of *Wilts*, in the room of *Thomas Pitt*, Eſq; who ſince his Election for the ſaid Borough, hath accepted of being Governor of the Plantation of *Jamaica*.

19. *Sabbati*,

19. *Sabbati*, 30 *die Martii*, 1717.

The like for the Borough of *Woodſtook*, in the County of *Oxon*, in the room of Sir *Thomas Wheate*, Bart. who, ſince his Election for the ſaid Borough, hath accepted the Office of chief Keeper of the Ordnance, Munition, and Stores belonging to the Office of Ordnance.

20. *Martis*, 18 *die Junii*, 1717.

The like for the Borough of *Cockermouth*, in the County of *Cumberland*, in the room of *Nicholas Lechmere*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted of the Office of Chancellor of the Dutchy of *Lancaſter* for Life.

21. *Lunæ*, 25 *die Novembris*, 1717.

The like for the Borough of *Berealſton*, in the County of *Devon*, in the Room of *Horatio Walpole*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Surveyor and Auditor-General of all his Majeſty's Revenues ariſing in *America*.

22. *Lunæ*, 2 *die Decembris*, 1717.

The like for the Borough of *Ipſwich*, in the County of *Suffolk*, in the Room of *William Churchill*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Bookſeller, Bookbinder, and Stationer to his Majeſty.

23. *Sabbati*, 7 *die Decembris*, 1717.

The like for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, in the Room of *John Anſtis*, Eſq; who, ſince his Election for

for the ſaid Borough, hath accepted the Office of Garter Principal King at Arms.

24. *Jovis*, 20 *die Martii*, 1717.

The like for the Port of *Dover*, in the Room of *Matthew Aylmer*, Eſq; who, ſince his Election for the ſaid Port, hath accepted the Office of Maſter of *Greenwich* Hoſpital for his Life.

25. *Lunæ*, 3 *die Aprilis*, 1721.

The like for the City of *Carliſle*, in the County of *Cumberland*, in the Room of *Thomas Stanwix*, Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of Governor of the Town of *Kingſton* upon *Hull*.

26. *Martis*, 9 *die Martii*, 1727.

A Motion being made, and the Queſtion being propoſed, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

The ninteenth Article of the Act, *Quinto Annæ*, for an Union of the two Kingdoms of *England* and *Scotland*, was read; and the Act, *Sexto Annæ*, for ſettling and eſtabliſhing a Court of *Exchequer* in the North Part of *Great-Britain* called *Scotland* was alſo read;

And a Debate, *&c.*

Reſolved, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

27. *Sabbatii*, 9 *die Junii*, 1733.

The Houſe being informed, that Lieutenant-General *Wade* (a Member of this Houſe) hath, ſince

ſince his Election to ſerve in this preſent Parliament for the City of *Bath*, in the County of *Somerſet*, accepted of the Office of Governor of *Fort-William*, *Fort-Auguſtus*, and *Fort-George*, in that Part of *Great-Britain* called *Scotland*; and the Opinion of the Houſe being deſired, whether by the Acceptance of the ſaid Office his Seat in Parliament became void;

And the twenty-ninth Section of the Act made in the fouth Year of the Reign of Queen *Anne*, intitled, *An Act for the better Security of her Majeſty's Perſon and Government, and of the Succeſſion to the Crown of* England *in the Proteſtant Line*, being read;

The Journal of the Houſe of the twenty-eighth Day of *February*, in the ſeventh Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Arundel*, in the County of *Suſſex*.

And the Journal of the Houſe of the ſeventeenth Day of *February*, in the ninth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Knight to ſerve in Parliament for the County of *Northumberland*.

And the Journal of the Houſe of the firſt Day of *February*, in the tenth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Camelford*, in the County of *Cornwall*:

And a Motion being made, and the Queſtion being put, That the accepting a Commiſſion of Governor, or Lieutenant-Governor of any Fort, Citadel or Garriſon, upon the military Eſtabliſhment of his Majeſty's Guards and Garriſons in *Great-Britain*, by any Member of this Houſe being

an Officer in the Army, does vacate the Seat of ſuch Member in this Houſe;

It paſſed in the Negative.

28. *Mercurii*, 13 *die Junii*, 1733.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Andover*, in the County of *Southampton*, in the room of the honourable *James Brudenell*, Eſq; who ſince his Election for the ſaid Borough hath accepted the Office of one of the Grooms of his Majeſty's Bed-chamber.

29. *Martis*, 11 *die Februarii*, 1734.

A new Writ ordered for the Borough of *Eaſtlow*, in the Room of Mr. *Trelawney*, who, ſince his Election for the ſaid Borough, hath continued to enjoy the Office of one of the Commiſſioners of his Majeſty's Cuſtoms.

30. *Jovis*, 3 *die Aprilis*, 1735.

The like for the Port of *Haſtings*, in the Room of Sir *William Aſhburnham*, Bart. who, ſince his Election, accepted the Office of Receiver of Compoſitions in his Majeſty's Office of Alienations.

31. *Veneris*, 9 *die Maii*, 1735.

The like for the Borough of *Honiton*, in the Room of Sir *William Yonge*, Bart. &c. who, ſince his Election, accepted the Office of his Majeſty's Secretary at War.

32. *Jovis*, 15 *die Maii*, 1735.

The like for the Borough of *Reading*, in the Room of *Richard Potenger*, Eſq; who, ſince his Election,

Election, accepted the Office of one of his Majesty's Justices of the Counties of *Chester* and *Flint*, and of *Denbigh* and *Montgomery*.

33. The like for the Boroughs of *Horsham* and *Wendover*, in the Room of the honourable *Henry Ingram*, Esq; and of *John Hampden*, Esq; who, since their Elections, accepted severally the Offices of Commissaries of his Majesty's Stores and Provisions at *Minorca* and *Gibraltar*.

34. *Lunæ*, 16 *die February*, 1735.

The like for *Dorchester*, in the Room of *John Brown*, Esq; who, since his Election, accepted the Office of one of his Majesty's Counsel learned in the Law.

35. *Lunæ*, 29 *die Martii*, 1736.

The like for *Hyeth*, in the Room of *Hercules Baker*, Esq; who, since his Election for the said Town and Port, accepted the Office of Treasurer of the Royal Hospital at *Greenwich*.

36. *Mercurii*, 19 *die Maii*, 1736.

The like for the Borough of *Droitwich*, in the Room of *Thomas Winnington*, Esq; who, since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer.

37. *Martis*, 1 *die Februarii*, 1736.

The like for the Borough of *Tiverton*, in the Room of *Dudley Ryder*, Esq; who, since his Election for the said Borough, accepted the Office of Attorney-General to his Majesty.

38. *Lunæ*, 28 *die Februarii*, 1736.

The like for the Borough of *Weymouth* and *Melcombe Regis*, in the Room of *Edward Tucker*, Esq; who, since his Election for the said Borough, accepted the Office of Supervisor of his Majesty's Quarries in the Island of *Portland*, in the County of *Dorset*.

39. *Martis*, 22 *die Martii*, 1736.

The like for the City of *Coventry*, in the Room of *John Bird*, Esq; who, since his Election for the said City, accepted the Office of one of the Commissioners for managing the Duties arising by Stamps.

40. *Veneris*, 17 *die Junii*, 1737.

The like for the Borough of *Hindon*, in the Room of *Henry Fox*, Esq; who, since his Election for the said Borough, accepted the Office of Surveyor-General of his Majesty's Works.

41. *Lunæ*, 20 *die Junii*, 1737.

The like severally for the Boroughs of *Knaresborough*, *Malmesbury*, and *Wilton*, in the Rooms of the honourable *Richard Arundall*, Esq; *Giles Earle*, Esq; and the honourable *Robert Jenkins*, Esq; who, since their several Elections for the said Boroughs, respectively accepted the Offices of Master and Worker of his Majesty's Mint, of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, and of one of the Commissioners for Trade and Plantations.

42. And the like for the Borough of *Whitchurch*, in the Room of Lieutenant-Colonel *John Mordaunt*, who, since his Election for the said Borough, accepted

accepted the Office of one of the Equerries to his Majesty. And,

43. The like for the County of *Northumberland*, in the Room of *Ralph Jenison*, Esq; who, since his Election for the said County; accepted the Office of Master of his Majesty's Buckhounds.

44. *Martis*, 21 *die Junii*, 1737.

The like for the District of Burghs of *Forres*, *Invernes*, *Nairn*, and *Fortros*, in the Room of *Duncan Forbes*, Esq; who, since his Election for the said District of Burghs, accepted the Office of Lord Presidend of the College of Justice in *Scotland*. And,

45. The like for the Shire of *Dumfries*, in the Room of *Charles Areskine*, Esq; who, since his Election for the said Shire, accepted the Office of his Majesty's Advocate for *Scotland*. And,

46. The like for the Borough of *Newport*, in the Room of the Right Honourable *Gustavus*, Lord Viscount *Boyne*, in the Kingdom of *Ireland*, who, since his Election for the said Borough, accepted the Office of one of the Commissioners of his Majesty's Revenue in *Ireland*. And,

47. The like for the Shire of *Edinburgh* in the Room of *Robert Dundas*, Esq; who, since his Election for the said Shire, accepted the Office of one of the Senators of the College of Justice in *Scotland*.

48. *Martis*, 24 *die Januarii*, 1739.

The like for the Borough of *Rippon*, in the Room of *William Aislabie*, Esq; who, since his Election for the said Borough, accepted the Office of one of the Auditors of the Imprests.

49. *Lunæ*, 6 *die Februarii*, 1737.

The like for the Borough of *Stamford*, in the Room of *William Noel*, Esq; who, since his Election for the said Borough, accepted the Office of one of his Majesty's Counsel learned in the Law.

50. *Martis*, 14 *die Februarii*, 1737.

The like for the Borough of *Dunwich*, in the Room of Sir *Orlando Bridgman*, Bart. who, since his Election for the said Borough, accepted the Office of Governor of his Majesty's Island of *Barbadoes*.

51. *Jovis*, 2 *die Martii*, 1737.

The like for the Borough of *New-Windsor*, in the Room of the Right Honourable *Vere Beauclerk*, Esq; (commonly called Lord *Vere Beauclerk*) who, since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Lord High Admiral of *Great-Britain*.

52. *Martis*, 9 *die Maii*, 1738.

The like for the Town of *Kingston* upon *Hull*, in the Room of *George Crowle*, Esq; who, since his Election for the said Town, accepted the Office of one of the Commissioners of his Majesty's Navy.

53. *Martis*, 16 *die Maii*, 1738.

The like severally for the Town and Port of *Seaford*, and the Boroughs of *Bury St. Edmunds*, and *Clifton-Dartmouth-Hardness*, in the Room of *William Hay*, Esq; the honourable *Thomas Hervey*, Esq; and *Walter Cary*, Esq; who, since their Elections, respectively accepted the Offices of one of the Commissioners for Victualling his Majesty's Navy, of Surveyor

veyor of his Majesty's Gardens, and of one of the Clerks Comptrollers of his Majesty's Houshold.

54. *Mercurii*, 17 *die Maii*, 1738.

The like for the Borough of *Helston*, in the Room of *John Harris*, Esq; who, since his Election for the said Borough, accepted the Office of Pay-master of his Majesty's Board of Works.

55. *Jovis*, 1 *die Februarii*, 1738.

The like for the City of *Oxford*, in the Room of *Matthew Skinner*, Esq; who, since his Election for the said City, accepted the Office of Chief Justice of *Chester*.

56. *Martis*, 22 *die Maii*, 1739.

The like severally for the Boroughs of *Plymouth* and *New-Shoreham*, in the Rooms of the honourable *Robert Byng*, Esq; and *John Phillipson*, Esq; who, since their Elections, respectively accepted the Offices of Governor of his Majesty's Island of *Barbadoes*, and of one of the Commissioners of his Majesty's Navy.

57. *Martis*, 4 *die Decembris*, 1739.

The like for the County of *Monmouth*, in the Room of *Charles Hanbury Williams*, Esq; who, since his Election for the said County, accepted the Office of Pay-master of his Majesty's Marine Regiments.

58. *Mercurii*, 20 *die Februarii*, 1739.

— The Question being put, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough

of *Saltaſh*, in the County of *Cornwall*, in the Room of *Thomas Corbett*, Eſq; who hath accepted a Salary of two hundred Pounds *per Annum*, by his Majeſty's Royal Sign Manual, dated the fourteenth of *Auguſt*, One thouſand ſeven hundred and thirty-nine, as Secretary to the Court of Aſſiſtants for Relief of poor Widows of Commiſſion and Warrant-Officers of the Royal Navy, eſtabliſhed by virtue of a Commiſſion under the Great Seal, bearing Date the thirtieth of *Auguſt*, One thouſand ſeven hundred and thirty-two.

It paſſed in the Negetive.

N. B. *Before the putting of the foregoing Queſtion, the twenty-fifth and twenty-ninth Sections of* Stat. 6 Ann. *and* Stat. 1 Geo. 1. *were read.*

59. *Martis*, 1 *die Aprilis*, 1740.

A new Writ was ordered for *Brecon*, in the Room of the honourable *John Talbot*, Eſq; who, ſince his Election for the ſaid Town, accepted the Office of one of his Majeſty's Juſtices of the Counties of *Cheſter* and *Flint*, and of *Denbigh* and *Montgomery*.

60. *Mercurii*, 33 *die Aprilis*, 1740.

The like for the Borough of *New-Windſor* in the Room of the Right Honourable *Sidney Beauclerk*, Eſq; (commonly called Lord *Sidney Beauclerk*) who, ſince his Election for the ſaid Borough, accepted the Office of Vice-Chamberlain of his Majeſty's Houſehold.

Orford.

Sabbati, 10 *die Februarii*, 1699.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough,

(*Orford*

(Orford in Com. Suffolk) is in the Mayor, Portmen, capital Burgeſſes and Freemen of the ſaid Borough.

Sabbati, 29 *die Januarii*, 1708.

2. *Reſolved*, *Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Orford (in Com. Suffolk)* is in the Mayor, Portmen, capital Burgeſſes, and Freemen, not receiving Alms.

3. And a Book being produced on the Part of the ſitting Members, as a Book of the Corporation, beginning in the Year One thouſand ſix hundred and ninety-three, (called the white Book) to prove ſeveral Perſons (who voted for them) to be Freemen, which Book being objected to by the Petitioner's Counſel, the Counſel and Witneſſes withdrew, and were afterwards called in again; and Mr, *Speaker*, (by Direction of the Houſe) acquainted them that the Houſe were of opinion, that the ſaid Book ſhould be given in Evidence as to Freemen made after *Auguſt*, One thouſand ſeven hundred and four.

4. And a Motion being made, and the Queſtion being put, that the Counſel be admitted (by living Witneſſes) to give Evidence as to Freemen entered in the white Book before *Auguſt*, One thouſand ſeven hundred and forty.

It paſſed in the Negative.

5. *Jovis*, 15 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the honourable *Henry Legge*, Eſq; who, ſince his Election for the

the ſaid Borough, hath accepted the Office of Surveyor-general of his Majeſty's Woods, on the North and South Side of the River *Trent*.

Peebles.

Veneris, 11 *die Maii*, 1733.

1. Mr. *Earle* (according to Order) reported, *&c.* the Election and Return for the County of *Peebles*, *&c.*

Reſolved, That it is the Opinion of this Committee, that the Right of Election of a *Præſes* and Clerk, is ſuch Perſons, as ſtand upon the Roll laſt made up by the Freeholders at the *Michaelmas* Head Court, or at the laſt Election of a Member to ſerve in Parliament.

Here follow Four other Reſolutions, who were duly elected Præſes *and Clerk, and who was duly returned, and duly elected Commiſſioner for the ſaid Shire.*

The firſt Reſolution of the Committee being read a ſecond Time;

Part of an Act of the Parliament of *Scotland* made *September* ſeventeen, One thouſand ſix hundred and eighty-one, (intitled, *An Act concerning the Election of Commiſſioners for Shires*,) was read.

And the third Section of an Act made in the twelfth Year of the Reign of Queen *Anne* (intitled, *An Act for the better regulating the Elections of Members to ſerve in Parliament for that Part of* Great-Britain *called* Scotland) was alſo read.

Then the ſaid Reſolution was agreed to by the Houſe.

Pembroke.

1. *Sabbati*, 23 *die Februarii*, 1711.

Reſolved, That the Mayor and Burgeſſes of the ancient Borough of *Wiſton*, in the County of *Pembroke*

broke, have a Right to vote in the Election of a Member to ſerve in Parliament for the Borough of *Pembroke*.

Peterborough.

1. *Martis*, 9 *die Aprilis*, 1728.

Reſolved, That the Execution of the Precept for electing Citizens to ſerve in Parliament for the City of *Peterborough*, in the County of *Northampton*, and the making the Return thereof, are in the Bailiff of the ſaid City appointed by the Dean and Chapter of the Cathedral Church of *Peterborough*.

Lunæ, 13 *die Maii*, 1728.

2. *Reſolved*, That the Right of electing Citizens to ſerve in Parliament for the City of *Peterborough*, in the County of *Northampton*, is in the Inhabitants within the Precincts of the Minſter there, being Houſeholders not receiving Alms within the ſaid City paying Scot and Lot.

Petersfield.

1. *Martis*, 9 *die Maii*, 1727.

Mr. *Gibbon* (according to Order) reported from the Committee ——

Reſolved, That it is the Opinion of this Committee, that the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Petersfield*, in the County of *Southampton*, is in the Freeholders of Lands or ancient Dwelling-houſes or Shambles, or Dwelling-houſes or Shambles, built upon ancient Foundations within the ſaid Borough.

Agreed to by the Houſe.

Petition.

Petition.

1. *Jovis*, 14 *die Decembris*, 1699.

Resolved, That the Petition of several Inhabitants within the said Borough, (*St. Ives in Com. Cornub.*) presented to the House of Commons this Sessions of Parliament, touching the late Election for the said Borough, is not the same in Substance with the Petition from several Inhabitants of the said Borough, presented to the House of Commons the last Session of Parliament, relating to the said Election.

2. *Ordered*, That the Committe of, *&c.* do not proceed any further upon the Petition touching the said Election.

See the Vote of the next Day and of the nineteenth, concerning Sir *Thomas Stamp*'s Petition for the Borough of *Reading*, and see seventeen *January*, One thousand six hundred and ninety-nine, thirty-one *January*, One thousand six hundred and ninety-nine, 6 *Martii*, One thousand six hundred and ninety-nine.

3. *Mercurii*, 3 *die Martii*, 1713.

A Petition of *Theophilus Oglethorpe*, Esq; was read, complaining of an undue Election and Return for the Borough of *Haslemere*, in the County of *Surry*; and the House being informed, that it is not believed the said Mr. *Oglethorpe* did or could sign the said Petition (as he ought to have done) he being abroad beyond the Seas; and it appearing to be delivered to the Clerk of this House the eighteenth of *September* last (soon after the Election for the said Borough) as the House was also informed by one Mr. *Orby*.

Ordered

Ordered, That the ſaid Petition do lie upon the Table.

4. *Ordered*, That the ſaid Mr. *Orby* do attend this Houſe to-morrow Morning.

5. *Jovis*, 4 *die Martii*, 1713.

The Houſe being informed that Mr. *Orby* attended (according to Order) he was called in, and examined touching the Petition of Mr. *Oglethorpe*, relating to the Election for the Borough of *Haſlemere*, in the County of *Surry*; and he owned the Delivery of the ſaid Petition to the Clerk of this Houſe, declaring that he had the ſame from the Lady *Oglethorpe*, with her Deſire to deliver it; but that he knew nothing of the Signing thereof; and the ſame not appearing to be ſigned by Mr. *Oglethorpe*,

Reſolved, That the ſaid Petition be rejected.

Martis, 9 *die Martii*, 1714.

6. The Houſe being informed that the Petition of Colonel *John Erskine*, complaining of an undue Election and Return for the Burghs of *Stirling*, *Culroſſe*, *Dumferling*, *Innerkeithing*, and *Queen's-ferry*, is not ſigned by the Petitioner.

Ordered, That it be an Inſtruction to the Committee of Privileges and Elections, that before they proceed upon the ſaid Petition, they do examine into the Manner of ſigning the ſame.

7. *Martis*, 6 *die Aprilis*, 1714.

Sir *Gilbert Dolben* (according to Order) reported from the Committee of Privileges and Elections, the Matter, as it appeared to them, touching the Manner of ſigning the Petition of *James Barry*, Earl of *Barrymore*, in the Kingdom of *Ireland*, com-

complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaſter*; which Report he read in his Place, and afterwards delivered in at the Table, where the ſame was read.

Reſolved, That the Committee of Privileges and Elections, be diſcharged from proceeding upon the Petition of the Earl of *Barrymore*, complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaſter*, the ſaid Petition not having been ſigned by the ſaid Earl himſelf, but having been ſigned by the Order of the ſaid Earl, and owned by him.

8. A Motion being made, and the Queſtion being put, and the Earl of *Barrymore* be at liberty to preſent a new Petition ſigned by himſelf, and containing the ſame Allegations which were contained in the former Petition and no other;

It paſſed in the Negative.

9. *Jovis*, 6 *die Maii*, 1714.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding on the ſaid Petition (*of Colonel* John Erſkine, *for the Burghs of* Stirling, *&c.*) the ſame not having been ſigned by the Petitioner himſelf.

Sabbati, 18 *die Junii*, 1715.

10. The Queſtion being put, That *Simon Gough* and *John Moor*, having ſigned the Indenture of Return, by which *Charles Cornwall*, Eſq; is returned a Burgeſs to ſerve in this preſent Parliament for the Borough of *Weobly*, in the County of *Hereford*, the Houſe will proceed on the Petition of the ſaid *Simon Gough* and *John Moor*, complaining of an undue Election of the ſaid *Charles Cornwall*, Eſq;

It paſſed in the Negative.

11. *Lunæ*,

11. *Lunæ*, 4 *die Martii*, 1716.

A Petition of divers of the Inhabitants of the Borough of *Leominſter*, in the County of *Hereford*, was preſented to the Houſe and read, complaining of an undue Election for the ſaid Borough.

And a Motion being made, and the Queſtion being put, that the ſaid Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the ſame, with their Opinion thereupon to the Houſe;

It paſſed in the Negative.

12. *Reſolved*, That the ſaid Petition be rejected.

13. *Sabbati*, 6 *die Aprilis*, 1717.

A Petition of ſeveral of the Inhabitants and Burgeſſes of the Borough of *Leominſter*, in the County of *Hereford*, who have a Right of voting for electing Members to ſerve in Parliament for the ſaid Borough, was preſented to the Houſe and read, complaining of an undue Election and Return for the ſaid Borough.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the ſame, with their Opinion thereupon, to the Houſe.

14. *Martis*, 23 *die Octobris*, 1722.

Upon an undue Return for *Inverneſs*, &c. (See Title *Inverneſs*) it was

Ordered, That *Alexander Gordon* of *Ardoch*, Eſq; be at liberty to petition this Houſe, touching the Election for the Diſtrict of Burghs of *Inverneſs*, *Nairn*, *Forres*, and *Fortroſe*, within fourteen Days next, if he thinks fit.

15. *The*

15. *The like Orders were made on* Thurſday, *the twenty-fifth of the ſame Month, concerning an undue Return for the Diſtrict of Burghs of* Inverbervy, Aberdeen, Montroſe, Brichen, *and* Aberbrothick; *the Borough of* Inverbervy, *being the preſiding Borough.*

16. *And on the twenty-ſeventh of the ſame Month, the like Orders were made concerning an undue Return for the Burghs of* Dyſart, Burnt-Iſland, Kirkaldie, *and* Kinghorn; *the Burgh of* Dyſart, *being the preſiding Burgh.*

17. *And on the ſame Day the like, concerning an undue Return for the Diſtrict of Burghs of* Kilrenny, Anſtruther-Weſter, Anſtruther-Eaſter, Pittenweem, *and* Crail; Kilrenny *being the preſiding Burgh.*

18. *And on the ſame Day the like, concerning*, &c. Forfar, Perth, Dundee, St. Andrews, *and* Coupar; Forfar *being the preſiding Burgh.*

19. *Mercurii*, 21 *die Novembris*, 1722.

The ſtanding Order of the eighteenth Day of *February*, One thouſand ſeven hundred and ſeven, was read, *viz.*

Mercurii, 18 *die Februarii*, *Anno* 6 *Annæ Reginæ.*

Reſolved, *That all Petitions upon every new Parliament* relating *to Elections and Returns be delivered to the Clerk of this Houſe, and be laid by him upon the Table before the Speaker be choſen.*

Ordered, That the ſaid Order be diſcharged from being one of the ſtanding Orders of this Houſe.

20. *Mercurii*,

20. *Mercurii*, 3 *die Martii*, 1729.

The Petition of the major Part of the Burgesses of the said Borough of *Beaumaris* (*in Com. Anglesey*) and also the Petition of the Burgesses of the Borough of *Newburgh*, in the said County of *Anglesey*, were read; and the Council were heard.

And it being objected that the said Petition of the Burgesses of the Borough of *Newburgh*, was signed by some Persons who had not signed the former Petitions, presented in this Parliament, and that the Names of some of the Petitioners were not written or Marks made by the Persons themselves, the Counsel were directed to withdraw.

And the Resolution of the House the fourteenth of *November*, One thousand six hundred and eighty-nine (that all Petitions presented to the House ought to be signed by the Petitioners, with their own Hands, by their Names or Marks) was read; and

The Journal of the sixth of *April*, One thousand seven hundred and fourteen, (in the Case of the Petition, touching the Election for the Borough of *Wiggan*, in the County of *Lancaster*) was read,

Ordered, That the Counsel be called in, and be directed by Mr. *Speaker*, to proceed only upon the Matter of the Petition of the major Part of the Burgesses of the Borough of *Beaumaris*.

Petition Vexatious.

1. *Veneris*, 21 *die Decembris*, 1695.

Resolved, That Sir *George Meggott*, having preferred to this House a groundless and vexatious Petition, relating to the Election of Members to serve in this present Parliament for the said Borough (*Southwark* in *Surry*) and having scanda-

lized this House, in declaring, *That without being duly chosen, he had Friends enow in the House, to bring him into this House*, be taken into the Custody of the Serjeant at Arms attending this House.

2. *Resolved*, That Sir *George Meggot* do make Satisfaction to the Members of this House he petitioned against, for the Costs and Expences they have been put unto by reason of such Petitions.

3. *Mercurii*, 4 *die Martii*, 1695.

Resolved, That Sir *Richard Gipps* having preferred to the House a frivolous, vexatious, and groundless Petition, relating to the Election of Members to serve for the said Borough of *Totness*, be taken into Custody of the Serjeant at Arms.

4. *Resolved*, That Sir *Richard Gipps* do make Satisfaction to the Members of this House he petitioned against, for the Costs and Expences they have been put unto, by reason of such Petition.

5. *Sabbati*, 7 *die Februarii*, 1701.

Resolved, That *Thomas Colepeper*, Esq; who was one of the Instruments in promoting and presenting the scandalous, insolent, and seditious Petition, commonly called, *the Kentish Petition*, to the last House of Commons, hath been guilty of corrupt, scandalous, and indirect Practices, in endeavouring to procure himself to be elected a Burgess to serve in this present Parliament for the Borough of *Maidstone*.

6. *There is another Resolution*, That he is guilty of aspersing the last House of Commons.

7. *Ordered*, That the said *Thomas Colepeper*, Esq; be, for his said Offence, committed to *Newgate*.

8. *Sabbati*,

8. *Sabbati, die Novembris*, 1702.

Resolved, That the Petition of several of the free Burgesses of the Corporation of *Colchester*, against Sir *Thomas Cook*, a Member of this House, is false and scandalous.

9. *And seven Persons by Name (who were the Petitioners) were severally ordered into Custody.*

Plymouth.

Veneris, 14 *die Decembris*, 1739.

1. *Ordered*, That the Commissioner and Clerk of the Cheque of his Majesty's Dock-yard, near the Borough of *Plymouth*, do permit *John Rogers*, Esq; (against whom a Petition is depending before this House, touching the last Election of a Member to serve in Parliament for the said Borough) or his Agents, to inspect and take Minutes of the Muster-Rolls and Books, wherein are contained the Time of Entry, and Discharge of all Ship-Wrights, Labourers, and other Artificers belonging to the said Dock.

2. *Ordered*, That the Agent-Victualler, and Clerk of the Cheque of his Majesty's Victualling Office at *Plymouth*, do permit *John Rogers*, Esq; (against whom, *&c.*—) or his Agents, to inspect and take Minutes of the Muster-Rolls and Books, wherein are contained the Time of the Entry and Discharge of all Persons employed in the said Service.

3. *On the Hearing*, *Martis*, 15 *die Januarii*, 1739.

The standing Order made sixteenth *January*, One thousand seven hundred and thirty-five, for restraining Counsel from offering Evidence touching the Legality of Votes —— contrary to the last

Determination of the Houſe of Commons, was read.

4. And the laſt Determination of the Houſe concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the ninth Day of *June*, One thouſand ſix hundred and ſixty, which was then reſolved to be in the Mayor and Commonalty of the ſaid Borough, was alſo read.

5. Then the Counſel for the Petitioner were heard, and inſiſted, that the Word *Commonalty*, in the ſaid laſt Determination, extended only to the Freemen of the ſaid Borough, excluſive of the Freeholders thereof.

Which being denied by the Counſel for the ſitting Member, who inſiſted, that the ſaid Word *Commonalty* includes the Freeholders of the ſaid Borough.

Many Pieces of Evidence were given on each Side (which are ſtated in the Votes of this Day, and on the Day next hereafter mentioned) conſiſting chiefly of Charters, Indentures of Return, a Parliament-Roll, and Witneſſes to prove the Uſage.

And

6. *Jovis*, 17 *die Januarii*, 1639.

It was Reſolved, That in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Plymouth*, in the County of *Devon*, made the ninth of *June*, in the Year One thouſand ſix hundred and ſixty, which is as followeth, "That the Mayor "and Commonalty of *Plymouth* have Right to "elect Members to ſerve in Parliament for that "Borough." It appears to this Houſe, That the Word *Commonalty* therein mentioned, extended to the Freemen only of the ſaid Borough.

7. — The

7. — The ſitting Member acquainted the Houſe, That the Word *Commonalty*, mentioned in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Plymouth*, being declared by this Houſe to extend to the Freemen only of the ſaid Borough, he would not give the Houſe any further Trouble, and then he withdrew.

8. And the Queſtion being put, That *John Rogers*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Plymouth*, in the County of *Devon*;

It paſſed in the Negative.

9. *Reſolved*, That *Charles Vanbrugh*, Eſq; is duly elected, *&c.*

Plympton.

1. *Lunæ*, 14 *die Aprilis*, 1690.

Reſolved, That the Charter granted by the late King *James*, to the Borough of *Plympton*, (*in Com. Devon*) is illegal and deſtructive to the Conſtitution of the Government.

2. *Jovis*, 28 *die Januarii*, 1702.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Plympton* in the County of *Devon*, is in the Mayor, Bailiff, and Freemen of the ſaid Borough, and in the Sons of Freemen, who have a Right to demand their Freedom, and have been refuſed the ſame.

3. *Reſolved*, That the Proceeding of the Mayor and Corporation of the Borough of *Plympton*, in the County of *Devon*, in making Freemen after the Death of his late Majeſty, to vote at the laſt Election, was illegal, and contrary to the Rights

of the ſaid Corporation, and that thoſe Freemen then pretended to be made, have not thereby obtained any Right to vote on that Account in any future Elections.

Poll.

Veneris, 15 *die Februarii*, 1677.

1. Whereas on the thirtieth of *April* laſt, an Election was intended to be made of a Knight of a Shire for the County of *Dorſet*, upon a Writ legally iſſued for that Purpoſe.

Reſolved, That ſuch Elections and the Returns thereupon are void.

Firſt, Becauſe the Sheriff did not execute or obey his Writ.

2. *Secondly*, Becauſe he left divers Freeholders unpolled, and made no due Proclamation before he cloſed the Poll.

3. *Thirdly*, Becauſe he did not number thoſe Voices he polled, nor declared who he judged to be duly elected.

4. *Laſtly*, Becauſe he returned two Perſons, when he ſhould have returned but one; and ſignified ſuch his Return to be the Agreement of the Parties, rather than his Judgment according to Right and Law.

A new Writ ordered.

5. *Veneris*, 28 *die Novembris*, 1690.

Reſolved, That the Adjournment of the Poll taken at the Election of the Knight of the Shire for the County of *Cardigan*, by the Sheriff of the ſaid County, from *Aberiſtwith* to *Cardigan*, is a legal and good Adjournment.

Note,

Note, *There is an Act*, 1 Mar. *which appoints the Sheriff's Tourn to be kept at* Cardigan *and* Aberiſtwith alternis vicibus;

But ſee Stat. 7 & 8 W. 3. c. 25.

6. *Veneris*, 8 *die Februarii*, 1705.

Reſolved, That any Perſon having a Right to vote for two Members to ſerve in Parliament, who hath given a ſingle Voice, hath not a Right to come afterwards and give a ſecond Vote during the ſaid Election.

7. *Veneris*, 1 *die Decembris*, 1710.

The Return for the Borough of *Tiverton*, being read, it appeared that *T. B. R. M.* and *J. W.* Eſqrs; had an equal Number of Voices.

Reſolved, That the late Election of Burgeſſes to ſerve in this preſent Parliament, for the Borough of *Tiverton*, is a void Election.

Ordered, a new Writ to iſſue, *&c.*

At the Hearing the Election for the Shire of *Wigtown*, the Petitioner's Counſel inſiſting that the ſitting Member had not a Right to vote, and the ſitting Member's Counſel inſiſting, that they ought not now to be permitted to make the ſaid Objection, the Petitioner (who was *Præſes*) having ſigned the Freeholder's Roll.

Reſolved, That the Petitioner having ſigned the Freeholder's Roll, in which the ſitting Member was inſerted, with a Proteſtation, was at Liberty at any Time to renew his Objection againſt the ſitting Member's Vote, before the Election was proceeded on.

8. *Martis*, 6 *die Martii*, 1710.

At hearing the Election for the Borough of *Cockermouth*, in the County of *Cumberland*.

The Petitioner's Counſel inſiſting that they ought to proceed to qualify and diſqualify all ſuch Voters as were queried upon the Scrutiny, and the ſitting Member's Counſel acquainting the Houſe, that there were Liſts exchanged between the Parties, the twenty-fourth of *January* laſt, of what Votes each Party would inſiſt upon to diſqualify: The *Speaker*, (by direction of the Houſe) acquainted them, that they ſhould proceed upon the Votes queried at the Election, upon the Liſts mutually delivered the twenty-fourth of *January* laſt.

9. *Jovis*, 7 *die Februarii*, 1711.

Reſolved, That it is the Opinion of this Committee, that at the late Election of a Member to ſerve in this preſent Parliament for the Borough of *Southwark*, in the County of *Surry*, the Poll being cloſed and caſt up, and the Majority of Votes declared by Proclamation for Sir *George Matthews*, *Henry Martin*, Eſq; the Bailiff, could not proceed to a Scrutiny, not having adjourned the Court to any Time or Place.

10. *Sabbati*, 28 *die Januarii*, 1708.

Reſolved, That (according to the Terms of the Act of Parliament paſſed in the third Parliament of King *Charles* the Second, intitled, *An Act concerning the Election of Commiſſioners for the Shires*; there ought to have been twelve Days excluſive between the Day of Election of a Commiſſioner to ſerve in this preſent Parliament for the Shire of *Roſs*, and the

the Day appointed by the Writ of Summons for the meeting of the Parliament.

11. *Martis*, 13 *die Februarii*, 1710.

The Queſtion being put, that *Homer Maxwell*, *J. G. R. G. L. G. G* of *G.* and *J. B.* who were enfeft of Eſtate, redeemable upon paying a Roſe-Noble, had a Right to vote in the Election of Commiſſioner for the Shire of *Dumfries*.

It paſſed in the Negative.

12. *Jovis*, 22 *die Februarii*, 1710.

The Queſtion being put, that *Abraham Creyton*, (being the Huſband of an apparent Heireſs, who was not enfeft) had a Right to vote in the Election of a Commiſſioner for the Shire of *Dumfries*,

It paſſed in the Negative.

Portſmouth.

1. *Veneris*, 24 *die Januarii*, 1695.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Portſmouth* (in *Com. Southampton*) is in the Mayor, Aldermen, and Burgeſſes, of the ſaid Borough only.

2. *Sabbati*, 3 *die Februarii*, 1710.

Reſolved, That *Joſeph Whitborn*, Eſq; who was elected Mayor of the Borough of *Portſmouth*, on the tenth Day of *December*, One thouſand ſeven hundred and nine, and had not duly qualified himſelf for that Office according to Law; by taking the Sacrament of the Lord's Supper according to the Rites of the Church of *England*, within one Year

Year next before his Election, was not legal Mayor of the ſaid Borough.

3. *Reſolved*, That the Aldermen elected during the ſaid pretended Mayoralty of the ſaid Mr. *Whitehorn*, are not legal Aldermen, and the Burgeſſes elected during his pretended Mayoralty, have not a Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough of *Portſmouth*.

Privileges and Contempts.

Lunæ, 14 *die Novembris*, 1692.

1. *Reſolved*, *Nemine contradicente*, That the Disfranchiſing of *Chriſtopher Muſgrave*, Eſq; a Member of this Houſe, by the Mayor, Aldermen, and Citizens of the City of *Carliſle*, is a Breach of the Privilege of this Houſe.

And the Perſons moſt concerned, were ordered into Cuſtody.

Veneris, 4 *die Decembris*, 1696.

2. *Reſolved*, That Sir *George Meggot*, having proſecuted at Law, *Thomas Maylin* and *John Ladd*, for what they teſtified at the Committee of Privileges and Elections, the laſt Seſſion, upon the hearing the Matter touching the Election for the Borough of *Southwark*, is guilty of a Breach of the Privileges of this Houſe.

3. *Ordered*, That Sir *George Meggott* be taken into Cuſtody for the ſaid Breach of Privilege.

Mercurii, 26 *die Januarii*, 1703.

4. Mr. *Freeman* (according to Order) reported from the Committee of the whole Houſe to whom it was referred, to conſider of the Reports of the Journals

Journals of the House of Lords, touching the Case of *Barnardiston* and *Soames*; the Resolutions which they had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Table, where the same were read, and (with an Amendment to one of them) agreed unto by the House, and are as follows.

Resolved, That according to the known Laws and Usage of Parliament, it is the sole Right of the Commons of *England*, in Parliament assembled (except in Cases otherwise provided for by Act of Parliament) to examine and determine all Matters relating to the Right of Election of their own Members.

5. *Resolved*, That according to the known Law and Usage of Parliament, neither the Qualification of any Elector, nor the Right of any Person elected, is cognizable or determinable elsewhere than before the Commons of *England* in Parliament assembled, except in such Cases as are specially provided for by Act of Parliament.

6. *Resolved*, That the examining and determining the Qualification, or a Right of any Elector, or any Person elected to serve in Parliament, in any Court of Law, or elsewhere, than before the Commons of *England* in Parliament assembled (except in such Cases as are specially provided for by Act of Parliament) will expose all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll and make the Return thereupon, to Multiplicity of Actions, vexations Suits and insupportable Expences, and will subject them to different and independent Jurisdictions and inconsistent Determinations in the same Case without Relief.

7. *Resolved*, That *Matthew Ashby* having in Contempt of the Jurisdiction of this House, commenced and prosecuted an Action at Common-Law against *William White*, and others, the Constables

ſtables of *Ayleſbury*, for not receiving his Vote at an Election of Burgeſſes to ſerve in Parliament, for the ſaid Borough of *Ayleſbury*, is guilty of a Breach of the Privilege of this Houſe.

8. *Reſolved*, That whoever ſhall preſume to commence or proſecute any Action, Indictment, or Information, which ſhall bring the Right of the Electors or Perſons elected to ſerve in Parliament, to the Determination of any other Juriſdiction than that of the Houſe of Commons (except in Caſes ſpecially provided for by Act of Parliament) ſuch Perſon or Perſons, and all Attorneys, Solicitors, Counſellors, and Serjeants at Law, ſoliciting, perſecuting or pleading in any ſuch Caſe, are guilty of a high Breach of the Privilege of this Houſe.

9. *Veneris*, 4 *die Aprilis*, 1707.

Reſolved, *Nemine contradicente*, That when any Perſon ordered to be taken into the Cuſtody of the Serjeant at Arms, ſhall either abſcond from Juſtice, or having been in Cuſtody ſhall refuſe to pay the juſt Fees, That in either of thoſe Caſes the Order for Commitment ſhall be renewed the Beginning of the next Seſſion of Parliament; and that this be declared to be a ſtanding Order of the Houſe.

10. *Lunæ*, 4 *die Aprilis*, 1715.

A Complaint being made to the Houſe, that the Mayor of the Town of *Cambridge* being ſerved with an Order of the Committee of Privileges and Elections, for permitting Mr. *Shepheard* and Mr. *Jenyns*, or their Agents, to inſpect the Records, Charters, and publick Books and Writings of the ſaid Town: Mr. *Joſeph Pyke*, and Mr. *John York* were called in, and examined at the Bar, and the Order of the Committee was read.

Reſolved, That Mr. *Charles Chambers*, Mayor of the Town of *Cambridge*, having refuſed to obey the

the Order of the Committee of Privileges and Elections for permitting *Samuel Shepheard*, jun. and *John Jenyns*, jun. Esq; or their Agents to inspect the Records, Charters, and publick Books and Writings of the said Town, be for the said Contempt taken into the Custody of the Serjeant at Arms attending this House.

11. *Lunæ*, 4 *die Aprilis*, 1715.

A Complaint being made to the House, that the Under-Sheriff of the County of *Cumberland* who executed the Writ for electing Knights of the Shire for the said County, hath not made any Return thereof by the seventeen of *March* last, being the Day appointed for such Return, by which means none of the Members chosen to serve for the said County, or the Boroughs therein, can be admitted to give their Attendance in this House.

Resolved, That *Thomas Crosby*, Under-Sheriff of the County of *Cumberland*, having neglected to return the Writ for electing the Members of the said County by the seventeenth Day of *March* last, being the Day appointed for the Return thereof, is guilty of a great Breach of the Privilege of this House.

12. *Ordered*, That the said *Thomas Crosby* be, for the said Breach of Privilege, taken into Custody of the Serjeant at Arms attending this House.

13. *Sabbati*, 20 *die Martii*, 1713.

A Complaint being made to the House, that the Town-Clerk of the Borough of *Colchester*, having been served with an Order of the Committee of Privileges and Elections, for permitting *Nicholas Corsellis*, Esq; and his Agents, to inspect the Free-School Book, and any publick Books, Charters, Papers, or Records, in order to the preparing for the

the hearing of the Matter touching the Election for the ſaid Borough before the ſaid Committee, he the ſaid Town-Clerk had refuſed the ſame. Whereupon one *John Summers*, Servant to the ſaid Mr. *Corſellis*, was called in and examined at the Bar in relation to the Matter of the ſaid Complaint,

And then he withdrew.

Reſolved, That *Thomas Glaſcock*, Town Clerk of the Borough of *Colcheſter* in the County of *Eſſex*, having refuſed to obey the Order of the Committee of Privileges and Elections, for permitting *Nicholas Corſellis*, Eſq; or his Agents, to inſpect the publick Books and Records of the ſaid Borough, be, for the ſaid Contempt, taken into Cuſtody of the Serjeant at Arms attending this Houſe.

14. *Martis*, 24 *die Maii*, 1715.

Reſolved, That *Joſeph Calton*, Mayor of the Borough of *Hertford*, is guilty of acting in an illegal and arbitrary manner in the late Election of Burgeſſes to ſerve in Parliament for the Borough of *Hertford*, in Contempt of the Act to prevent falſe and double Returns of Members to ſerve in Parliament, and in Breach of the Privilege of this Houſe.

15. *Ordered*, That the ſaid *Joſeph Calton* be, for the ſaid Breach of Privilege, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

16. *Mercurii*, 21 *die Januarii*, 1718.

Reſolved, That *John Benfield*, Mayor of the Borough of *Corfe Caſtle (in Com. Dorſet)* is guilty of divers arbitrary and illegal Practices in the late Election and Return of a Member to ſerve in this preſent Parliament for the ſaid Borough, and of a Contempt in not obeying the Order of the Committee

mittee for producing the Charters of the ſaid Borough in his Cuſtody.

17. *Reſolved*, That *William Dowdall*, late Mayor of the Borough of *Corfe Caſtle*, is guilty of a Contempt in not obeying the Orders of the Committee, for producing the Charters of the ſaid Borough in his Cuſtody.

18. *They were both ordered into Cuſtody*, &c. *and ſo was* David Toomer *on the* Saturday *following, for arbitrary and illegal Practices at the Election of a Burgeſs for* Shafton, *alias* Shafteſbury, *in Com.* Dorſet.

19. *Jovis*, 6 *die Maii*, 1742.

Reſolved, *Nemine contradicente*, That *John Cullis*, having in his Examination before a Committee of this Houſe, wilfully and maliciouſly given falſe Evidence, tending to aſperſe the Character of *John Laroche*, Eſq; a Member of this Houſe, is thereby guilty of a high Miſdemeanor, and a Breach of the Privilege of this Houſe.

Ordered, *Nemine contradicente*, That the ſaid *John Cullis* be for his ſaid Offence, committed Priſoner to his Majeſty's Jaol of *Newgate*; and that Mr. *Speaker* do iſſue his Warrants accordingly.

20. *Martis*, 11 *die Maii*, 1742.

A Petition of *John Cullis* was preſented to the Houſe, and read; repreſenting to the Houſe, that the Petitioner has had the Misfortune of incurring the Diſpleaſure of the Houſe, by giving falſe Teſtimony at a Committee, relating to a worthy Member; for which Offence the Petitioner is now confined in his Majeſty's Jaol of *Newgate*; and that the Petitioner is truly ſenſible of his Fault, is ſincerely ſorry, and moſt heartily repents of ſuch his Offence, and humbly begs Pardon of the Houſe,

 and

and alſo of the worthy Member; and that the Petitioner has lately had a violent Fit of Illneſs, is now very weak, and in a bad State of Health; and moſt humbly aſſures the Houſe, that, if he is confined in *Newgate* any longer, it will greatly hazard the Petitioner's Life, which will be an irreparable Loſs to his poor Family; and therefore praying the Houſe to take the Petitioner's Caſe into Conſideration, and give leave, that he may be diſcharged out of Priſon.

Ordered, That the ſaid *John Cullis*, committed Priſoner by this Houſe, to his Majeſty's Jaol of *Newgate*, upon *Thurſday* laſt, be brought to the Bar of this Houſe To-morrow Morning, in order to his being diſcharged out of Cuſtody; and that Mr. *Speaker* do iſſue his Warrants accordingly.

Quakers.

Mercurii, 30 *die Aprilis*, 1690.

For the County of Hertford.

1. *Reſolved*, That Quakers having a Freehold and refuſing to take the Oath when tendred by the Sheriff, are incapable of giving their Votes for Knights of the Shire, for that Reaſon.

2. *Martis*, 25 *die Maii*, 1714.

The Houſe proceeded (according to Order) to the hearing the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*; and the Counſel were called in, and the Petition complaining of the ſaid Election was read; and the Petitioners Counſel examined ſeveral Witneſſes, touching the Affirmation which was adminiſtered to the People called Quakers, inſtead of the Oath of Abjuration; and ſeveral Sections in the Act of the

the ſeventh and eighth Years of King *William*, cap. 34, and in the Act of the ſixth Year of Queen *Anne*, cap. 23. were read, and alſo the Form of the ſaid Affirmation adminiſtered to them, was alſo read,

And the Counſel on both Sides were heard; and then withdrew.

And a Motion being made, and the Queſtion being put, That the Quakers who made their ſolemn Affirmation in the Form tendered to them inſtead of the Oath of Abjuration, by the Bailiff of the Borough of *Southwark*, upon the late Election of Members to ſerve in Parliament for the ſaid Borough, had a Right to vote in the ſaid Election:

It paſſed in the Negative.

This is altered by Stat. 1 *G.* 1. *Seſſ.* 1. *ch.* 7.

Qualification of Candidates.

See CAPACITY.

1. *Jovis*, 21 *die Novembris*, 1717.

Reſolved, That notwithſtanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

2. *Reſolved*, That the Perſon whoſe Qualification is expreſsly objected to in any Petition relating to his Election, ſhall, within fifteen Days after the Petition read, give to the Clerk of the Houſe of Commons a Paper ſigned by himſelf, containing a Rental or Particular of the Lands, Tenements, and Hereditaments whereby he makes out his Qualification; of which any Perſon concerned may have a Copy.

3. *Reſolved*, That of ſuch Lands, Tenements, and Hereditaments, whereof the Party hath not been in Poſſeſſion for three Years before the Election, he ſhall alſo inſert in the ſame Paper from

what Perſon, and by what Conveyance, or Act in Law he claims and derives the ſame; and alſo the Conſideration, (if any) paid, and the Names and Places of Abode of the Witneſſes to ſuch Conveyance and Payment.

4. *Reſolved*, That if any ſitting Member ſhall think fit to queſtion the Qualification of a Petitioner, he ſhall, within fifteen Days after the Petition read, leave Notice thereof in Writing with the Clerk of the Houſe of Commons; and the Petitioner ſhall in ſuch Caſe, within fifteen Days after ſuch Notice, leave with the ſaid Clerk of the Houſe the like Account in Writing of his Qualification, as is required from a ſitting Member.

5. *Reſolved*, That the four laſt Reſolutions be declared to be ſtanding Orders of the Houſe.

6. *Martis*, 27 *die Februarii*, 1727.

The Houſe being acquainted that *Alexander Luttrell* and *Francis Whitworth*, Eſqs; (ſitting Members for the Borough of *Minehead* in the County of *Somerſet*) did on the ſeventh Day of *February* inſtant (purſuant to the ſtanding Order of the Houſe of the twenty-firſt Day of *November*, One thouſand ſeven hundred and ſeventeen) leave with the Clerk of this Houſe their Demand in Writing of the Qualification of *George Grove*, Eſq; one of the Petitioners, complaining of an undue Election and Return for the ſaid Borough; and that the ſaid Mr. *Grove* had not delivered in to the Clerk any Paper of his Qualification, purſuant to the ſaid ſtanding Order.

The Demand of the ſaid Qualification, and alſo the ſaid ſtanding Order of the Houſe, were read.

And the Clerk of the Houſe being called upon, acquainted the Houſe, that he had not received any particular of Mr. *Grove*'s Qualification.

Ordered,

Ordered, That the Committee of Privileges and Elections be discharged from proceeding upon so much of the Petition of Sir *William Codrington*, Bart. and *George Grove*, Esq; (complaining of an undue Election and Return for the Borough of *Minehead* in the County of *Somerset*) as relates to the said *George Grove*, Esq; he having neglected to comply with the standing Order of this House, whereby he is required to deliver in his Qualification to the Clerk of this House within fifteen Days after demand thereof.

7. *Sabbati*, 30 *die Aprilis*, 1715.

Resolved, That *William Benson*, Esq; one of the Petitioners, complaining of an undue Election for the Borough of *Shaftesbury*, in the County of *Dorset*, having, at the Demand of the sitting Members, delivered in a Particular of Lands, Tenements, and Hereditaments, in order to make out his Qualification to be elected for the said Borough, pursuant to the Order of the House of the twenty-third of *March* last; the Counsel for the sitting Members (if they have any Objection to the said *William Benson*'s Qualification) be directed to make their Objections to the said Particular, delivered in pursuant to the said Order of the House, so far only as the same relates to Lands, Tenements, and Hereditaments in the Parish of *Bromley* in the County of *Middlesex*; being the only Qualification the said *William Benson* gave in upon Oath at the said Election, as appears by the Certificate of the Mayor of the said Borough.

Note, *The Qualification upon Oath was not so extensive as that delivered in to the Clerk of the House; but by the last Resolution it appears he was only to take Benefit by such Estate as was comprized both in the Oath and Particular, and not by any Estate comprized in the Particular, but not given in upon Oath.*

8. *Jovis*, 7 *die Maii*, 1730.

Resolved, That *Richard Lloyde*, Esq; did not wilfully refuse to take an Oath of his Qualification, at the Election of a Burgess to serve in this present Parliament, for the Town of *Cardigan*, in the County of *Cardigan*, he not being thereunto legally required.

9. *Jovis*, 7 *die Februarii*, 1734.

Resolved, That on the Petition of any Elector or Electors for any County, City, or Place, sending Members to Parliament, complaining of an undue Election and Return, and alledging, That some other Person was duly elected, and ought to have been returned, the sitting Member so complained of may demand and examine into the Qualification of such Person so alledged to be duly elected, in the same Manner as if such Person had himself petitioned.

10. *Ordered*, That the said Resolution be declared to be a standing Order of the House.

11. *Veneris*, 21 *die Martii*, 1734.

The House being acquainted that *Thomas Brereton*, Esq; one of the sitting Members for the Borough of *Liverpool* in the County Palatine of *Lancaster*, did on the eighteenth Day of *February* last (pursuant to the standing Order of the House of the sixth Day of the same Month) leave with the Clerk of this House his Demand in Writing of the Qualification of *Foster Cunliffe*, Esq; one of the Persons alledged to be duly elected for the said Borough, in the Petition of *John Cobham*, *George Dickins*, *Thomas Summers*, and others, whose Names are thereunto subscribed, Burgesses of the Borough of *Liverpool*, in the County Palatine of *Lancaster*, on

on Behalf of themſelves and divers other Burgeſſes of the ſaid Borough, complaining of an undue Election and Return for the ſaid Borough; and that the ſaid Mr. *Cunliffe* had not delivered into the Clerk any Paper of his Qualification, purſuant to the ſaid ſtanding Order of the Houſe.

The Demand of the ſaid Qualification, and alſo the ſaid ſtanding Order of the Houſe, were read.

And the Clerk of the Houſe being called upon, acquainted the Houſe, that he had not received any particular of the ſaid Mr. *Cunliffe*'s Qualification.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding upon ſo much of the ſaid Petition as relates to the ſaid Mr. *Cunliffe*, he having neglected to comply with the ſtanding Order of this Houſe, whereby he is required to deliver in his Qualification to the Clerk of this Houſe within fifteen Days after Demand thereof.

12. *Lunæ*, 14 *die Januarii*, 1739.

On a Hearing for the County of Huntingdon.

The Counſel for the Petitioner inſiſted, that the ſitting Member (Mr. *Clarke*) was not qualified to be elected, according to the Act made in the ninth Year of the Reign of Queen *Anne*, intitled, *An Act for ſecuring the Freedom of Parliaments by the further qualifying the Members to ſit in the Houſe of Commons.*

Then the Counſel for the Petitioner, in Support of one of their Objections, offered to prove (which the Counſel for the ſitting Member admitted) that the Copyhold Lands and Tenements at *Hammerſmith* in the Pariſh of *Fulham*, in the County of *Middleſex*, which the ſitting Member, in the Rental or Particular by him delivered in to the Clerk of the Houſe (purſuant to the ſtanding Order of this Houſe made for that Purpoſe) claims in Fee, according

cording to the Cuſtom of the Manor of *Fulham*, under a Mortgage Surrender, and an Admiſſion thereto, and a Releaſe of the Equity of Redemption from the Mortgagor, were ſubject to a ſubſequent Mortgage made by the ſaid Mortgagor previous to the Date of the ſaid Releaſe of the Equity of Redemption.

13. Then the Counſel for the Petitioner having objected to the Conſideration given for the Eſtate, which the ſitting Member, in the ſaid Rental or Particular, claims for his natural Life, by Deed of Feoffment and Livery and Seizin thereon given by *John Clarke* of *Huntingdon*, Gent. they offered to prove (which the Counſel for the ſitting Member admitted) that the ſaid Eſtate was all the real Eſtate, except about three Pounds *per Annum*, which the ſaid *John Clarke* the Grantor, was ſeized of at the Time of the Date of the ſaid Deed.

14. Then, the Counſel for the Petitioner having objected to the Annuity of two hundred Pounds which the ſitting Member, in the ſaid Rental or Particular, claims for Life by Grant from *Charles Bernard*, Eſq; they offered to prove (which the Counſel for the ſitting Member admitted) that the Eſtate charged with the ſaid Annuity does not exceed the yearly Value of one hundred and thirty-two Pounds.

15. Then the Counſel for the Petitioner having objected, that the ſitting Member, in the Oath by him taken at the Time of his Election, purſuant to the Direction of the ſaid Act of the ninth Year of the Reign of Queen *Anne*, did not particularly enumerate all the ſeveral Pariſhes, out of which the Fee-farm Rents, mentioned in the ſaid Particular, are iſſuing.

The Inſtrument of the ſaid Oath, ſubſcribed by the ſitting Member, was produced by the Sheriff, who took the ſame, and read.

And that Part of the ſaid Rental or Particular which deſcribes the Fee-farm Rents, was read.

And the firſt, ſecond, third, fourth, and fifth Sections of the ſaid Act, made in the ninth Year of Queen *Anne* were read.

And the Counſel for the ſitting Member was heard.

And one of the Counſel for the Petitioner was heard by way of Reply.

And the Counſel on both Sides were directed to withdraw.

Mr. *Clarke* was heard in his Place, and then he withdrew.

16. *Reſolved*, That *Charles Clarke*, Eſq; is duly elected a Knight of the Shire to ſerve in this preſent Parliament, for the County of *Huntingdon*.

Queenborough.

1. *Jovis*, 17 *die Aprilis*, 1729.

Reſolved, That the Right of admmitting Burgeſſes of the Borough of *Qeeenborough*, in the County of *Kent*, is in the Mayor, Jurats, and Bailiffs of the ſaid Borough only.

New-Radnor.

1. *Mercurii*, 12 *die Novembris*, 1690.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *New-Radnor*, is in the Burgeſſes of *Radnor*, *Ryader*, *Knighton*, *Knucklas*, and *Kevenlice* only.

Reading.

1. *Jovis*, 2 *die Decembris*, 1708.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Freemen and Inhabitants; such Freemen not receiving Alms, and such Inhabitants paying Scot and Lot.

2. *Sabbati*, 4 *die Decembris*, 1708.

Resolved, That such Persons as have, within two Years last, received *Kendrick*'s Charity, or any other annual Charity, distributed in the Borough of *Reading*, have not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

3. *Mercurii*, 30 *die Maii*, 1716.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Inhabitants only, paying Scot and Lot.

4. *Lunæ*, 19 *die Januarii*, 1740.

On a Hearing.

The last Determination of the House, concerning the Right of electing Burgesses to serve in Parliament for the said Borough, made the thirtieth Day of *May*, One thousand seven hundred and sixteen, which was then resolved to be in the Inhabitants only, paying Scot and Lot, was read.

5. And the standing Order of the House, made the sixteenth Day of *January*, One thousand seven hundred and thirty-five, for restraining the Counsel, &c.

&c. from offering Evidence, *&c.* contrary to the last Determination in the House of Commons, was also read.

6. Veneris, 23 die Januarii, 1740.

On a farther Hearing.

The Counsel for the Petitioner, proposed to disqualify several Persons who voted for the sitting Member at the said Election, as being Certificate Men,

And in order to prove that *Michael Hartwell*, one of the said Persons, was a Certificate Man,

Thomas House, who acts for his Brother, as one of the Overseers of the Parish of St. *Lawrence*, in the Borough of *Reading*, being examined as a Witness, produced a Paper, which he called a Certificate, and which, he said, he found in the Chest belonging to the said Parish, where the public Writings of the said Parish are usually kept; the said Paper being dated the twenty-ninth Day of *March*, One thousand seven hundred and twenty-eight, and purporting to be a Certificate of the Parish Officers of *Woodley*, in the County of *Berks*, and signed by two Persons as Justices of the Peace, allowing the said Certificate.

And one of the Counsel for the sitting Member, having objected to the Admission of that Paper in Evidence, the Hand-Writing of the said Justices not being proved,

The Counsel on both Sides were heard, and directed to withdraw.

The House was moved, That the eighth Section of an Act made in the third Year of the Reign of his present Majesty, cap. 29. touching the Proof of Certificates given by the Officers of any Parish, or Place, might be read.

And the same was read accordingly.

Resolved,

Resolved, That a Paper, dated the twenty-ninth Day of *March* One thousand seven hundred and twenty-eight, purporting to be a Certificate from the Parish of *Woodley*, in the County of *Berks*, to the Parish of St. *Lawrence*, in the Borough of *Reading*, signed by two Persons as Justices of the Peace, allowing the said Certificate, and now produced by *Thomas House*, who acts for his Brother as Overseer of the Poor of the said Parish of St. *Lawrence*, and by him taken out of the Chest belonging to the said Parish of St. *Lawrence*, where the publick Writings of the said Parish are usually kept, be admitted to be brought up, and read in Evidence, although the Hand-Writing of the said Persons, who have so signed the said Certificate, as Justices of the Peace, be not proved.

7. *Lunæ*, 26 *die Januarii*, 1740.

On a further Hearing.

The Counsel for the Petitioner having proposed to disqualify several Persons who voted for the sitting Member, as having received Alms from a Charity, called *Kendrick*'s Charity.

The Resolution of the House of the fourth Day of *December*, in the seventh Year of the Reign of Queen *Anne*, made upon Consideration of the Merits of an Election for the said Borough, was read, whereby it was resolved, That such Persons as had, within two Years last, received *Kendrick*'s Charity, or any other annual Charity, distributed in the said Borough, had not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

Then the Counsel for the Petitioner examined several Witnesses, and produced Evidence, in order to disqualify such Voters for the sitting Members as had received a Proportion of that Charity, within

within two Years before the laſt Election for the ſaid Borough.

Then they examined ſeveral Witneſſes, and produced Evidence, in order to eſtabliſh the Votes of ſeveral Perſons who were rated, and tendered their Votes for the Petitioner, but were rejected by the Mayor, and alſo of ſeveral other Perſons, who were propoſed to the Overſeers of Poor, to be put upon the Rates, as ſit to be rated, but were rejected by them, and who tendered their Votes for the Petitioner, and were rejected by the Mayor.

8. *Martis*, 27 *die Januarii*, 1740.

On a further Hearing.

The Counſel for the Petitioner examined ſeveral Witneſſes, in order to prove what Number of Perſons were continually added to the Rates made in the ſeveral Pariſhes within the ſaid Borough, for ſeveral Years before the ſaid Election, and alſo to ſhew who have been Mayors of the ſaid Borough for the Years One thouſand ſeven hundred and thirty-eight, One thouſand ſeven hundred and thirty-nine, One thouſand ſeven hundred and forty, and who have been Overſeers of the ſeverl Pariſhes within the ſaid Borough, for the Years One thouſand ſeven hundred and thirty-nine, and One thouſand ſeven hundred and forty, and for which of the Candidates ſuch Mayors and Overſeers ſeverally voted at the laſt Election.

Then they produced an Order, made at the Quarter Seſſion of the Peace, held for the ſaid Borough, *October* the eleventh, One thouſand ſeven hundred and thirty-four, in order to ſhew, that *Chriſtopher Littleworth*, who was appointed, by the Mayor, Overſeer of the Poor for the Pariſh of St. *Giles*, within the ſaid Borough, for the Year One thouſand

thouſand ſeven hundred and forty, was at that Seſſion, upon Appeal, diſcharged from payment to the Rates on account of his Poverty.

And the ſaid Order being read,

They examined ſeveral Witneſſes as to the Behaviour of the Mayor at the laſt Election.

Return.

1. After the Sheriff, Mayor, or other returning Officer has duly held the Election in Obedience to the Writ or Precept reſpectively, they ought duly to return the ſame, *viz.* the Mayor, his Precept with the Indenture annexed, to the Sheriff; and the Sheriff, his Writ, with its Indenture, and all the Precepts with their Indentures annexed, to the Clerk of the Crown in *Chancery*. See Stat. 8 *H.* 6. *c.* 7. and Stat. 23 *H.* 6. *c.* 15.

By Stat. 7 *Hen.* 4. *c.* 15. after they (*viz Knights of Shires* (be choſen, the Names of the Perſons ſo choſen (be they preſent or abſent) ſhall be written in an Indenture under the Seals of all them that did chooſe them, and tacked to the Writ, which Indenture ſo ſealed and tacked, ſhall be holden for the Sheriff's Return.

2. *Sabbati*, 12 *die Aprilis*, 1690.

Reſolved, That after the Return made into the *Crown Office* of Members to ſerve in Parliament, the ſame ſhall not be altered by the Sheriff, or Clerk of the Crown, or any other, but by this Houſe.

3. *Martis*, 24 *die Februarii*, 1701.

Reſolved, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, is guilty of a falſe and

and double Return, and of divers indirect Practices in the late Election for the City of *Coventry*.

The like Resolution passed against Mr. John Collins, *the other Sheriff of* Coventry; *and they both were ordered into Custody; as was also their Under-sheriff*, &c.

Sabbati, 28 *die Martii*, 1702.

4. The Serjeant at Arms being called upon to give the House an Account of what he had done in relation to the apprehending of the Persons at *Coventry*, ordered to be taken into Custody, he acquainted the House, that he having sent his Messenger with a Warrant to *Coventry*, he was informed that some Person had gone Post before his Messenger, and given them Notice (though he got thither by the next Day at Noon) upon which they fled and absconded; and that his Messenger having taken one *Edward Bosworth* (of the City of *Coventry*) to his Assistance, the said *Bosworth* was threatened for what he did, by Mr. *Edward Owen*, Alderman of the said City; and that the said *Bosworth* attended, to give the House an Account thereof.

And the said *Bosworth* was called in, and examined.

Resolved, That Mr. *Edward Owen* (Alderman of *Coventry*) is guilty of a Breach of the Privilege of this House, and Contempt against the same, by using threatning Language against the Person that assisted the Serjeant in Execution of the Orders of this House.

5. *Ordered*, That the said Mr. *Edward Owen* be, for his said Crime, taken into Custody.

The Serjeant being called upon to give the House an Account of what he had done in Execution of the Order for the apprehending of *Thomas Colepeper*, Esq; he acquainted the House, that diligent

gent ſearch had been made after him, but that he was fled or abſconded.

6. *Reſolved*, That *Thomas Colepeper*, Eſq; having been guilty of many ſcandalous and indirect Practices, and in Contempt of the Juſtice of this Houſe, hath abſconded, that an humble Addreſs be preſented to her Majeſty, that ſhe will be pleaſed to iſſue forth her Royal Proclamation for apprehending the ſaid Mr. *Colepeper*.

7. *Reſolved*, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, having been guilty of a falſe and double Return for the City of *Coventry*, and divers indirect Practices, and in Contempt of the Juſtice of this Houſe, having abſconded, that an humble Addreſs be preſented to her Majeſty, that ſhe will be pleaſed to iſſue forth her Royal Proclamation for apprehending the ſaid Mr. *Owen*.

8. *The like Reſolutions were paſſed touching the other Sheriff of* Coventry, *and the Under-ſheriff, ſeverally.*

Ordered, That the ſaid Addreſſes be preſented to her Majeſty by ſuch Members of this Houſe as are of her Majeſty's moſt honourable Privy-council.

9. *Veneris*, 6 *die Novembris*, 1702.

Mr. *Burnell*, the High-ſheriff of the County of *Nottingham*, and Mr. *Simon Jackſon*, his Under-ſheriff, attending, (according to Order) the High-ſheriff was called in, and examined, touching the not making a Return of the Writ for the electing the Members to ſerve in this preſent Parliament for the ſaid County; and he acquainted the Houſe, that he did not meddle with the Execution or Return of the ſaid Writ, nor ever had it in his Poſſeſſion; but left it wholly to his Under-ſheriff; and then he withdrew.

Afterwards

Afterwards the Under-ſheriff was called in and examined; and then he wihtdrew.

Ordered, That Mr. *Burnell*, the High-ſheriff of the County of *Nottingham*, be diſcharged out of Cuſtody.

10. *Ordered*, That Mr. *Samuel Jackſon*, Under-ſheriff of the County of *Nottingham*, for keeping back the Return of the Writ for chooſing of the Members of the ſaid County, be taken into Cuſtody.

10. *Martis*, 10 *die Novembris*, 1702.

Mr. *Edward Holland*, the High-ſheriff of the County of *Merioneth*, was (according to Order) brought to the Bar, and examined touching his not making the Return of the Writ for the electing of a Knight for the ſaid County. And he acquainted the Houſe, that it was a Surpriſe to him to find it was not returned; he having executed the Writ, and made the Return, and delivered it to his Under-ſheriff to bring up, who brought the ſame up with him.

And then he withdrew.

And Mr. *Robert Nanny*, the Under-ſheriff, attending, he was called in, and examined; who acquainted the Houſe, that there being but one Member to be returned, he being a young Man, kept the Writ and Return by him, deſigning to ſend it up by the Member; but that he did not come up, in regard his Lady was ill.

And then he withdrew.

Ordered, That the ſaid Mr. *Holland* be diſcharged out of the Cuſtody of the Serjeant at Arms.

11. Then a Motion being made, and the Queſtion being put, that Mr. *Robert Nanny*, the Under-ſheriff of the County of *Merioneth*, for neglecting to return the Writ, for electing the Member for the ſaid County, be taken into Cuſtody,

It paſſed in the Negative.

12. *Veneris*,

12. *Veneris*, 18 *die Januarii*, 1722.

Hugh Baillie, *and ſeveral others of* Scotland, *who, on the twenty-third of* October *were ordered to attend for acting as Returning officers*, &c. *were now ordered into Cuſtody*; *as was alſo the Sheriff-depute for the Shire of* Fife, *for accepting and returning an Indenture of Return not made by the proper Officer of the Diſtrict of Burghs.*

Richmond.

1. *Sabbati*, 9 *die Martii*, 1727.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Richmond*, in the County of *York*, is in ſuch Perſons only as are Owners of Ancient Burgages in the ſaid Borough, having a Right of Paſture in a Common Field called *Whitcliffe Paſture.*

Riots.

1. *Martis*, 10 *die Novembris*, 1702.

Reſolved, That there was a great Tumult and Riot at the Election of Burgeſſes to ſerve in Parliament for the Borough of *Southwark*, in the County of *Surry.*

2. *Reſolved*, That the ſaid Tumult and Riot was committed by the Servants and Agents of *Charles Cox*, and *John Cholmley*, Eſqrs;

3. *The next Reſolution is as to the Right of electing.*

4. *Reſolved*, That *Charles Cox*, Eſq; is not duly elected a Burgeſs to ſerve in Parliament for the ſaid Borough of *Southwark.*

5. *Reſolved*,

5. *Resolved*, That *John Cholmley*, Esq; is not duly elected a Burgess to serve in Parliament for the said Borough of *Southwark*.

6. *Resolved*, That the late Election of Burgesses to serve in Parliament for the said Borough of *Southwark*, is a void Election.

7. *Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing two Burgesses to serve in this present Parliament for the said Borough of *Southwark*, in the Room of the said *Charles Cox*, Esq; and *John Cholmley*, Esq; whose Elections are declared to be void.

Mercurii, 5 *die Februarii*, 1706.

8. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry*, is a void Election.

9. *Resolved*, That it appears to this House, that there hath been a notorious Riot and Tumult, and other illegal Practices at the Election of Citizens to serve in this present Parliament for the City of *Coventry*, in Contempt of the civil Authority, and in violation of the Freedom of Elections.

Martis, 6 *die Novembris*, 1722.

10. *Resolved*, That it appears to this House, that there were notorious and outrageous Riots and Tumults at the late Election of Citizens to serve in Parliament for the City of *Westminster*, in Defiance of the Laws of this Realm, and in violation of the Freedom of Elections.

11. Then the Question being put, that *Archibald Hutcheson*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*,

It passed in the Negative.

12. The Question being put, that *John Cotton*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*,

It passed in the Negative.

13. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Westminster*, is a void Election.

14. *Martis*, 20 *die Novembris*, 1722.

Resolved, That it appears to this House, that there were notorious and outrageous Riots, Tumults, and Seditions, at the late Election of Citizens to serve in Parliament for the City of *Coventry*, in Defiance of the Civil Authority, and in violation of the Freedom of Elections, caused by the Agents and Friends of the Petitioners, who were the Authors, Contrivers, and Promoters of the said Riots, Tumults, and Seditions.

15. The Question being put, that Sir *Adolphus Oughton*, Knight and Baronet, is duly elected a Citizen to serve in this present parliament for the City of *Coventry*.

It passed in the Negative.

16. The Question being put, that *John Neale*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Coventry*,

It passed in the Negative.

17. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry* is a void Election.

18. *Resolved*, that it appears to this House that *Charles Buggs* was one of the principal Contrivers and Promoters of the Riots, Tumults, and Seditions at the late Election of Citizens to serve in Parliamen[illegible] the City of *Coventry*.

19. *At*

19. *And* Charles Buggs *was ordered into Custody.*

20. *The like Votes and Orders ſeverally upon* George Newcombe, William Wells, *Sir* Thomas Grey, *Knight*, *Mr.* Thomas Kimberley, *Mr.* Thomas Wright, *Mr.* George Aldridge, *and* Benjamin Holden.

Martis, 22 *die Martii*, 1736.

21. *On a Hearing for* Coventry.

The Counſel for the Petitioner produced Evidence touching a Riot at the Time of the Election, which occaſioned a Diſcontinuance of the Poll.

And the Counſel for the ſitting Member was heard, and having denied that the Magiſtrates of the ſaid City, or the ſitting Member occaſioned the ſaid Riot, acquainted the Houſe, that he was not inſtructed to oppoſe the Evidence produced by the Counſel for the Petitioner.

Mr. *Neale* was heard in his Place.

Reſolved, That it appears to this Houſe, that there was a great Riot and Tumult at the late Election of a Citizen to ſerve in this preſent Parliament for the City of *Coventry*, in violation of the Freedom of Elections.

22. — The Queſtion being put that *John Neale*, Eſq; is duly elected a Citizen to ſerve in this preſent Parliament for the City of *Coventry*,

It paſſed in the Negative.

23. *Reſolved*, That the late Election of a Citizen to ſerve in this preſent Parliament for the City of *Coventry*, is a void Election.

Rye.

Sabbati, 29 *die Decembris*, 1702.

1. *Resolved*, That the Right of Election of Barons to serve in Parliament for the Port of *Rye*, is only in the Mayor, Jurats, and in the Freemen inhabiting in the said Port, and paying Scot and Lot.

Sabbati, 17 *die Februarii*, 1710.

2. *Resolved*, That *Thomas Hills*, *W. W. T. B.* and *J. Y.* having been proposed to be made Free, and rejected at a Court of Assembly, and afterwards made Free in the same Mayoralty, are not legal Freemen of the Port of *Rye*.

3. *Resolved*, That it is not necessary the Freemen of the Port of *Rye*, should qualify themselves according to the Corporation Act, before they be allowed to vote in the Assembly-Court of the said Port.

Sandwich.

1. *Veneris*, 31 *die Octobris*, 1690.

Resolved by the Committee, That the Freemen of the Port of *Sandwich*, inhabiting within the said Port (although they receive Alms) have a Right to vote in electing Barons to serve in Parliament.

This Resolution being read a second Time, and the Question being put, that the House do agree with the Committee in the said Resolution,

It passed in the Negative.

Scarborough.

Scarborough.

Mercurii, 21 *die Aprilis*, 1736.

1. *Resolved*, *(by the Committee)* That the Right of Election of Burgesses to serve in Parliament for the Borough of *Scarborough*, in the County of *York*, is in the Common House, or Common-council of the said Borough, consisting of two Bailiffs, two Coroners, four Chamberlains, and thirty-six Burgesses only.

Agreed to by the House.

Scotland.

1. *Martis*, 19 *die Januarii*, 1741.

It appearing from the said double Return with which the Clerk of the Crown attended according to order, that the Indenture of Return of the Honourable *Alexander Hume Campbell*, Esq; was immediately annexed to the Writ.

The Counsel for the Honourable *Alexander Hume Campbell*, Esq; were first heard.

Resolved, That the Counsel be called in, and directed to proceed according to the Resolution of this House of the eleventh of *May*, One thousand seven hundred and thirty-three, which Resolution is, That the Right of Election of a *Præses* and Clerk, is in such Persons as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head Court, or at the last Election of a Member to serve in Parliament.

Resolved, That *David Home* of *Wedderburn*, Sheriff-depute for the Shire of *Berwick*, having accepted and returned to the Clerk of the Crown in Chancery, an Indenture of Return of a Commis-

ſioner to ſerve in this preſent Parliament for the Shire of *Berwick*, not being ſigned by the proper Clerk, has acted arbitrarily and illegally, in Defiance of the Laws of the Land, and in Breach of the Privileges of this Houſe.

Ordered, That the ſaid *David Home*, be for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

2. *Lunæ*, 25 *die Januarii*, 1741.

The Houſe being informed, that the Honourable *James Carmichael*, Eſq; who is returned in the Double Return for the Diſtrict of Burghs of *Peebles*, *Linlithgow*, *Lanerk* and *Selkirk*, petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition, and not to conteſt the Matter of the ſaid Election and Return with *John Mackye* of *Palgown*, Eſq; returned alſo in the ſaid Double Return;

Ordered, That Mr. *Carmichael* be at liberty to withdraw his ſaid Petition.

The Houſe being thereupon alſo informed that *John Mackye*, Eſq; who is returned in the ſaid Double Return, and petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition.

Ordered, That Mr. *Mackye* be at liberty to withdraw his ſaid Petition.

Ordered, That the Order made upon the fourteenth Day of *December* laſt, for hearing the Matter of the ſaid Petitions, and of the ſaid Double Return, at the Bar of this Houſe, be diſcharged.

Ordered, That the Clerk of the Crown do attend this Houſe immediately, to amend the Return for the Diſtrict of Burghs of *Peebles*, *Linlithgow*, *Lanerk*,

kirk, and *Selkirk*, by razing out the Name of the Honourable *James Carmichael*, Esq;

And he attended accordingly with the said Double Return.

And Notice being taken, that some other Parts of the Indenture of the said Double Return, did relate also to the Return of the said Mr. *Carmichael*.

Ordered, That the Clerk of the Crown do likewise raze out whatever Parts of the said Indenture relate to the Return of the said Mr. *Carmichael*.

And he amended the said Return accordingly.

3. *Mercurii*, 27 *die Januarii*, 1741.

The House being informed, that *James Fall*, Esq; who is returned in the Double Return for the District of Burghs of *Dunbar*, *North-Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition, and not to contest the Matter of the said Election and Return with Sir *Hew Dalrymple*, Baronet, returned also in the said Double Return;

Ordered, That Mr. *Fall* be at liberty to withdraw his said Petition.

The House being thereupon also informed, that Sir *Hew Dalrymple*, Baronet, who is returned in the said Double Return, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition.

Ordered, That Sir *Hew Dalrymple*, Baronet, be at Liberty to withdraw his said Petition.

The House being thereupon, likewise informed, that the Magistrates and Town-council of the Borough of *Haddington*; and also that the Magistrates and Town-council of the Borough of *North Berwick*, and also that the Magistrates and Town-

council of the Borough of *Lauder*, who ſeverally petitioned, complaining of the ſaid Election and Double Return, deſire to withdraw their ſaid Petitions;

Ordered, That the Magiſtrates and Town-council of the Borough of *Haddington*, be at Liberty to withdraw their ſaid Petition.

Ordered, That the Magiſtrates and Town-council of the Borough of *North Berwick*, be at Liberty to withdraw their ſaid Petition.

Ordered, That the Magiſtrates and Town-council of the Borough of *Lauder*, be at liberty to withdraw their ſaid Petition.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding upon the Matter of the ſaid ſeveral Petitions, and of the ſaid Double Return.

Ordered, That the Clerk of the Crown do attend this Houſe immediately, to amend the Return for the Diſtrict of the Burghs of *Dunbar*, *North Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, by taking off the File the Indenture, by which the ſaid *James Fall*, Eſq; is returned a Commiſſioner to ſerve in this preſent Parliament for the ſaid Diſtrict of Burghs.

And he attended accordingly, and amended the ſaid Return.

4. *Mercurii*, 14 *die Julii*, 1742.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Commiſſioner to ſerve in this preſent Parliament for the Shire of *Edinburgh*, in the room of Sir *Charles Gilmour*, Bart. who, ſince his Election for the ſaid Shire, hath accepted the Office of Pay-maſter of his Majeſty's Board of Works.

5. *Mer-*

5. *Mercurii*, 20 *die Aprilis*, 1743.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Commiſſioner to ſerve in this preſent Parliament, for the Shire of *Linlithgow*, in the room of *George Dundas*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted of the Office of Maſter of his Majeſty's Works in that Part of *Great Britain* called *Scotland*.

Shaftesbury.

1. *Sabbati*, 29 *die Februarii*, 1695.

Reſolved, That the Right of electing Members to ſerve in Parliament, for the Borough of *Shaftesbury*, (in *Com. Dorſet*) is not only in the Mayor and Burgeſſes of the ſaid Borough.

2. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the ſaid Borough of *Shaftesbury*, is only in the Inhabitants of the ſaid Borough, paying Scot and Lot.

Shrewsbury.

1. *Martis*, 20 *die Decembris*, 1709.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgeſſes inhabiting in the ſaid Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

2. *Jovis*, 27 *die Maii*, 1724.

Resolved, That the Right of electing of Burgesses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is in the Mayor, Aldermen, and Burgesses of the said Borough.

3. The Petition of *John Powel*, *Robert Pearson*, *&c.* and several others, whose Names are subscribed thereto, being Burgesses of, and inhabiting in the Town of *Shrewsbury*, being read;

Resolved, That the said Petition, complaining of an undue Election and Return of *Edward Cressett*, for the said Borough of *Shrewsbury*, is frivolous, vexatious, and scandalous.

4. *Ordered*, That the said Petitioners do make Satisfaction to the said Mr. *Cressett*, for his Costs and Expences.

5. *Martis*, 9 *die Aprilis*, 1723.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgesses inhabiting in the said Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

6. *Resolved*, That the whole Parishes of St. *Chad*, St. *Mary*, St. *Alkmond*, St. *Julian*, the *Holy Cross*, and St. *Giles*, and the several Vills of *Hadnall*, *Acton-Reynold*, *Meriden*, *Hanwood*, *Grinsel*, *Ollerton*, *Onslow*, *Preston*, *Gubald*, *Pimley*, and *Merival*, are not within the Borough of *Shrewsbury*, or the Suburbs thereof.

7. *Resolved*, That the several Vills of *Bicton*, *Betton*, *Alkmear*, *Lengwar*, *Calcot*, *Whitley*, *Whelback*, *Upper* and *Lower Rossal*, *Shelton Oxon*, *Woodcot*, *Horton*, *Munkmeal*, and *Goosehill*, in the Parish

of

a St. *Chad's*; *Great* and *Little Berwick*, *Almond-Park*, *Newton*, *Albright-Husley*, *Cotton-Hill*, *Leaton*, *Asley*, *Merrington*, *Wollascot*, *Sansaw*, and *Clive*, in the Parish of St. *Mary*, *Hencot*, *Albright-Lee*, *Preston-Montford*, *Dintle*, and *Arlescot*, in the Parish of St. *Alkmond*; and *Pully* and *Shelton*, in the Parish of St. *Julian*; are not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

8. *Resolved*, That the Parish of *Holy-Cross* and St. *Giles* is not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

Southampton.

1. *Martis*, 31 *die Decembris*, 1689.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Town and County of the Town of *Southampton*, is in the Burgesses and Inhabitants of the said Town.

Martis, 17 *die Martii*, 1695.

2. *Resolved*, That the outliving Burgesses, as well as the Burgesses, Inhabitants, and other Inhabitants, paying Scot and Lot, have a Right to vote for electing Members to serve in Parliament, for the Town and County of the Town of *Southampton*.

3. *Veneris*, 31 *die Januarii*, 1734.

The Deputy-clerk of the Crown attending (according to Order) with the Return for the Town and County of the Town of *Southampton*.

The

The Writ directed to the Sheriff of the ſaid Town, was read.

And Notice being taken, that the Precept of the ſaid Sheriff was not annexed to the ſaid Writ.

And the Houſe being informed, that the Deputy-clerk of the Crown had received a Letter, with the ſaid Precept incloſed;

He delivered the ſame in at the Table.

And the ſaid Letter, directed to the ſaid Deputy-clerk of the Crown, ſubſcribed by *Joſeph Moyle*, dated *Southampton*, *January* thirty, One thouſand ſeven hundred and thirty-four, and certified under the Hands of the ſaid Sheriff and his Under-ſheriff, to be written by their Requeſt, intimating, that the ſaid Precept was omitted by the Under-ſheriff; and deſiring the ſaid Deputy-clerk of the Crown immediately to annex it to the two Returns and the Writ, before he laid it before the Houſe of Commons; was alſo read.

And the ſaid Precept, directed to the Mayor and Bailiffs of the ſaid Town, and commanding them and every one of them, jointly and ſeverally, to cauſe two Burgeſſes to be elected, with the indorſed Receipt of the ſaid Precept, ſigned by the ſaid Mayor and Bailiffs, was alſo read.

And the Return of Sir *William Heathcote*, Bart. and *Anthony Henley*, Eſq; by Indenture under the Hands and Seals of *Arthur Bracebridge*, Eſq; Mayor of the ſaid Town, and *Arthur Atherley* the younger, Gent. one of the Bailiffs of the ſaid Town, and ſeveral Burgeſſes and Inhabitants thereof, annexed to the ſaid Writ, was alſo read.

And the Return of Sir *William Heathcote*, Bart. and *John Conduitt*, Eſq; by Indenture under the Hands and Seals of *Joſeph Ward*, Gent. one of the Bailiffs of the ſaid Town; and ſeveral other Burgeſſes and Inhabitants thereof, annexed likewiſe to the ſaid Writ, was alſo read.

And

And a Motion being made, and the Question being put, that the Deputy-clerk of the Crown do attend this House upon this Day fortnight with the Return for the Town and County of the Town of *Southampton*.

It passed in the Negative.

4. Afterwards, Mr. *Conduitt* and Mr. *Henley* severally petitioned.

Jovis, 3 *die Aprilis*, 1735.

5. *Resolved*, That the Mayor and Bailiffs of the Town and County of the Town of *Southampton*, are the Returning Officers for the said Town and County.

Southwark.

1. *Martis*, 10 *die Novembris*, 1702.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Southwark*, in the County of *Surry*, is only in the Inhabitants thereof paying Scot and Lot.

2. *Martis*, 29 *die Junii*, 1714.

On the further Hearing of the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*, *&c.*

A Motion being made, and the Question being put, that the Persons inhabiting in the *Mint*, or Rules of the *Queen's Bench*, in the Borough of *Southwark*, and paying a Rent of ten Pounds *per Annum*, or upwards, have a Right to vote for Members to serve in Parliament for the said Borough of *Southwark*, though they do not pay Scot and Lot within the said Borough.

It passed in the Negative.

3. *Martis*,

3. *Martis*, 10 *die Februarii*, 1735.

On a Hearing for Southwark.

The ſtanding Order of the ſixteenth of *January* laſt (*for which ſee Title* Evidence) was read; And The laſt Determination of the (*ſupra Martis*, 10 *die Novembris*, One thouſand ſeven hundred and two) was read.

See more of this Hearing under Title Evidence.

Stafford.

Jovis, 25 *die Januarii*, 1710.

1. *Reſolved*, That the Sons of Burgeſſes and thoſe who have ſerved Apprentices ſeven Years in the Borough of *Stafford*, have a Right (upon demand thereof) to be made Burgeſſes of the ſaid Borough.

2. *Martis*, 27 *die Novembris*, 1722.

Reſolved, *Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Stafford*, in the County of *Stafford*, is in the Mayor, Aldermen, and Burgeſſes reſiant within the ſaid Borough.

3. *Jovis*, 4 *die Februarii*, 1734.

Reſolved, That Perſons made Burgeſſes of the Borough of *Stafford*, in the County of *Stafford*, ſince the Death of *John Dolphin*, Eſq; late Member of Parliament for the ſaid Borough (not being Sons of Burgeſſes, or not having ſerved ſeven Years Apprenticeſhip within the ſaid Borough) had not a Right to vote in the late Election of a Burgeſs

gefs to ſerve in this preſent Parliament for the ſaid Borough.

Stamford.

1. *Lunæ*, 8 *die Martii*, 1735.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Stamford*, in the County of *Lincoln*, is in the Inhabitants paying Scot and Lot, and not receiving Alms or publick Charities.

Sudbury.

1. *Martis*, 19 *die Januarii*, 1702.

Reſolved, That the Sons of Freemen, born after their Fathers were made Free, and thoſe that have ſerved Apprenticeſhips in the Borough of *Sudbury*, in the County of *Suffolk*, have a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough, without any Admiſſion in Form to their Freedom, or taking the Oath of Freemen.

2. *Reſolved*, That it appears to this Houſe, that *Benjamin Carter*, late Mayor of the Borough of *Sudbury*, in the County of *Suffolk*, was, at the laſt Election of Burgeſſes to ſerve in Parliament for the ſaid Borough, guilty of great Violence and many indirect Practices, contrary to the Rights and Privileges of this Houſe.

3. *Ordered*, That the ſaid *Benjamin Carter* be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Lunæ, 6 die Decembris, 1703.

4. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Sudbury*, in the County of *Suffolk*, is only in the Sons of Freemen born after their Fathers were made Free, and in such as have served seven Years Apprenticeship, or are made Freemen by Redemption.

Sutherland.

1. *Lunæ, 25 die Februarii, 1722.*

Resolved, That the Right of electing a Commismissioner to serve in Parliament for the Shire of *Sutherland*, is in the Heritors, Fewars, Wadsetters, and Life-renters, possessed of Lands in the said Shire, whether holding of the Crown, or of a Subject.

Tamworth.

1. *Veneris, 17 die Martii, 1698.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants paying Scot and Lot, and in such Persons as have Freeholds within the said Borough, whether resident in the said Borough, or not.

Martis, 1 die Decembris, 1702.

2. The House being informed that there is a new Writ issued only to the Sheriff of the County of *Stafford*, for the electing a Burgess to serve in Parliament for the Borough of *Tamworth*, whereas the Borough is also within the County of *Warwick*;

Ordered, That the Clerk of the Crown do make out a *Supersedeas* to the Writ by him lately made out, and directed to the Sheriff of the County of *Stafford* only; and that Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a Writ directed to the Sheriff of the County of *Warwick*, and another Writ directed to the Sheriff of the County of *Stafford*, for the electing a Burgess to serve in this present Parliament for the said Borough of *Tamworth*.

3. *Mercurii*, 23 *die Januarii*, 1722.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants, being Householders, paying Scot and Lot, and not receiving Alms.

Tavistock.

1. *Veneris*, 13 *die Martii*, 1695.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock*, (in *Com. Devon.*) is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough.

2. *Jovis*, 4 *die Februarii*, 1696.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock*, in the County of *Devon*, is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough, who have been or shall be presented as such, by the Jury of Enquiry of the said Borough.

3. *Martis*, 19 *die Januarii*, 1702.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock*,

in the County of *Devon*, is in the Freeholders of Inheritance in Poſſeſſion, inhabiting within the Borough.

Taunton.

1. *Jovis*, 28 *die Julii*, 1715.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Taunton*, in the County of *Somerſet*, is in the Inhabitants within the ſaid Borough, being Pot-wallers, and not receiving Alms or Charity.

2. *Jovis*, 11 *die Auguſti*, 1715.

The Houſe proceeded on the farther hearing the Merits of the Election for the Borough of *Taunton*; and the Counſel on both Sides were called in; and the Petitioner's Counſel inſiſted upon the diſqualifying ſeveral Perſons who voted for the ſitting Members, on account of their having received the Charities called the *Town-Charity* (which is veſted in Feoffees) and *Meredith*'s *Charity*.

And a Book being produced, wherein is entered the Account of the Diſpoſition of the *Town-Charity*, the ſitting Member's Counſel objected to the ſaid Book's being read as Evidence.

Reſolved, That the Account of *Jeffery Pyſing*, Steward and Bailiff of the Lands and Tenements belonging to the Town of *Taunton*, in the County of *Somerſet*, from the twenty-firſt Day of *December*, One thouſand ſeven hundred and thirteen, to the twenty-firſt Day of *December*, One thouſand ſeven hundred and fourteen (inſerted in a Book intitled, *Taunton*; *An Account-Book of the Profits of the Town-Lands, One thouſand ſix hundred and eighty-three*) although not allowed and ſigned by the Feeoffees, be admitted to be read as Evidence.

3. *Sabbati*,

3. *Sabbati*, 27 *die Augusti*, 1715.

The House proceeded to the farther hearing of the Merits of the Election for the Borough of *Taunton*, and the Counsel on both Sides were called in; and the Counsel for the sitting Members proceeded to examine Witnesses to disqualify some of the Voters for the Petitioners upon account of their receiving Charity, particularly as to a Charity called *Saunders's Charity*, and the sitting Member's Counsel insisting to examine as to that Charity, being given in the Year One thousand seven hundred and thirteen, and the Petitioner's Counsel opposing their examining as to any Persons who had not received that Charity within a Year before the Election.

And a Motion being made, and the Question being put, that the Counsel for the sitting Members be admitted to give Evidence of Persons having received *Saunders's Charity* before the second of *February*, One thousand seven hundred and thirteen.

It passed in the Negative.

Thetford.

1. *Mercurii*, 17 *die Junii*, 1685.

Resolved, That the Right of Election for the Borough of *Thetford (in Com. Norfolk)* is the Mayor, Burgesses (which are ten) in the Commonalty or Common Council (which are twenty) amounting in the whole to thirty-one.

2. *Sabbati*, 3 *die Maii*, 1685.

Resolved, That the Charter of the sixteenth of Queen *Elizabeth*, granted to the Borough of *Thetford*, is not duly nor legally surrendered.

3. *Jovis*, 1 *die Decembris*, 1743.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Thetford*, in the County of *Norfolk*, in the Room of *Charles Fitzroy*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted of the Office of Groom Porter within all his Majeſty's Houſes in *England* and elſewhere.

Totneſs.

1. *Mercurii*, 4 *die Martii*, 1695.

Reſolved, That the Perſons made Free by the late King *James*'s Charter, to the Borough of *Totneſs (in Com. Devon)* have no Right to vote in electing of Members to ſerve in Parliament for the ſaid Borough, by Virtue of ſuch Freedom.

2. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough of *Totneſs*, is in the Freemen not inhabiting, as well as in the Freemen inhabiting within the ſaid Borough of *Totneſs*.

Treating. See Capacity.

1. *Veneris*, 26 *die Januarii*, 1699.

Reſolved, That *James Sloane*, Eſq; in treating the Corporation of *Thetford* in the County of *Norfolk*, has been guilty of a Breach of the late Act of Parliament for preventing Expences in Elections.

2. Then the Queſtion being put, that *James Sloane*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Thetford* in the County of *Norfolk*.

It

It passed in the Negative.

3. *Resolved*, That the said Election is a void Election.

4. *Mr.* Sloane *was re-chosen, and Mr.* Soame *petitioned against him.*

5. *Sabbati*, 2 *die Martii*, 1699.

The House (according to Order) proceeded to take into Consideration the Act made in the seventh Year of his Majesty's Reign, for preventing Charge and Expence in Elections of Members to serve in Parliament.

And the Petition of *Edward Soame*, Esq; was read.

And the said Act was read.

And Mr. *Sloane* attending (according to Order) he was heard in his Place;

And then he withdrew.

And a Debate arising in the House upon the Constructon of the said Act, upon Mr. *Sloane*'s being again chosen and returned for the Borough of *Thetford*.

And the Question being put, that the said Mr. *Sloane* be capable of serving in this present Parliament for the said Borough;

It passed in the Negative.

6. *Sabbati*, 21 *die Novembris*, 1702.

Resolved, That the Agents of Sir *Isaac Rebow* have been guilty of treating and other corrupt Practices, in order to procure the said Sir *Isaac Rebow* to be elected a Burgess to serve in Parliament for the Borough of *Colchester*, in the County of *Essex*.

7. *Ordered*, That *John Weely*, Agent for Sir *Isaac Rebow*, for his corrupt Practices in endeavouring to procure the said Sir *Isaac Rebow* to be elected a Burgess for the said Borough of *Colchester*, be taken into Custody.

Truro.

1. *Jovis*, 22 *die Decembris*, 1743.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Truro*, in the County of *Cornwall*, in the Room of the Honourable *Charles Hamilton*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Receiver-General and Collector of the Revenues in the Iſland of *Minorca*.

Wallingford.

1. *Jovis*, 15 *die Decembris*, 1709.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *Wallingford*, in the County of *Berks*, is in the Mayor, Aldermen, Bailiffs, and eighteen Aſſiſtants, together with the Inhabitants of the ſaid Borough, paying Scot and Lot, and not receiving Alms or Charity.

Wareham.

19 *die Januarii*, 1747.

1. *Reſolved*, That the Right of Election for the Borough of *Wareham*, in the County of *Dorſet*, is only in the Mayor and Magiſtrates of the ſaid Borough as pay Scot and Lot, and in the Freeholders of Lands or Tenements there, who have been *bona fide*, to their own Uſe, in the actual Occupation, or in the Receipt of the Rents and Profits of ſuch Lands or Tenements, for the Space of one whole Year next before the Election, except the ſame

came to ſuch Freeholders by Deſcent, Deviſe, Marriage, Marriage-Settlement, or Promotion to ſome Benefice in the Church.

Warwick.

1. *Sabbati*, 3 *die Maii*, 4 C. 1. 1628.

Reſolved, That the Right of Election for the Town of *Warwick*, is in the Commonalty of the ſaid Town.

2. *Jovis*, 31 *die Januarii*, 1722.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Warwick*, is in ſuch Perſons only as pay to Church and Poor in the ſaid Borough.

Wells.

1. *Martis*, 18 *die Februarii*, 1695.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is only in the Mayor, Maſters and Burgeſſes of the ſaid City.

2. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters and Burgeſſes of the ſaid City.

3. *Reſolved*, That the By-Law made by the governing Part of the Corporation of *Wells* in One thouſand ſeven hundred and twelve, pretending to inflict one hundred Pounds Penalty on the Mayor that nominates or makes any Burgeſs without the Conſent of the major Part of the Corporation, and fifty Pounds Penalty on any Burgeſs that takes the Oath appointed to be taken by the Burgeſs, or that uſes, claims, or challenges any Freedom or Privi-

lege of a Burgeſs without ſuch Aſſent, is arbitrary and illegal.

4. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, and Burgeſſes of the ſaid City, and in ſuch Perſons as are (by Conſent of the Mayor and Common-Council of the ſaid City) admitted to their Freedom in any of the ſeven trading Companies of the ſaid City, on account of Birth, Servitude, or Marriage.

5. *Veneris*, 18 *die Aprilis*, 1729.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, Burgeſſes and Freedom of the ſaid City, who are admitted to their Freemen in any of the ſeven Companies within the ſaid City, being thereunto intitled by Birth, Servitude, or Marriage.

6. *Martis*, 11 *die Martii*, 1734.

The laſt Determination of the Houſe made the eigteenth Day of *April*, One thouſand ſeven hundred and twenty-nine, concerning the Right of Election of Citizens to ſerve in Parliament for the ſaid City of *Wells*, which is thereby reſolved to be in the Mayor, Maſters, Burgeſſes and Freemen of the ſaid City, who are admitted to their Freedom in any of the ſeven Companies within the ſaid City being thereunto intitled by Birth, Servitude, or Marriage, was read.

And the ſeveral Reſolutions of the Houſe made the thirtieth Day of *May*, One thouſand ſeven hundred and ſixteen, and the ſecond Day of *May*, One thouſand ſeven hundred and twenty-three, concerning

cerning the Right of Election of Citizens to serve in Parliament for the said City, was read.

And part of the Report from the Committee of Privileges and Elections, made the eleventh Day of *April*, One thousand seven hundred and seventeen, touching the Election for the said City, in Relation to the Evidence of *Richard Thomas*, was read.

Resolved, That the Counsel for the Petitioners be restrained from giving Evidence, That it is a necessary Qualification of a Burgess of the City of *Wells*, that such Person previous to his being made a Burgess was a Freeman of the said City, intitled to such Freedom by Birth, Servitude, or Marriage.

7. *Jovis*, 13 *die Martii*, 1737.

On the same Election.

A Book of the Company of Hammermen within the said City being delivered in, an Entry wherein was read.

And several Books of the several Companies of Taylors, Mercers, Inn-keepers, Stocking-makers, Butchers, and Cordwainers, within the said City, being delivered in, several Entries in the Book of the Company of Tayors, in Relation to the Admission of a Person to his Freedom, were read.

8. *Martis*, 18 *die Martii*, 1734.

On the same Election.

Resolved, That *John Joyce*, a Freeman of the City of *Wells*, be admitted to give Evidence as to the Right of the eldest Sons of Freemen there to be admitted to the Freedom of the said City.

9. *Jovis*,

9. *Jovis*, 20 *die Martii*, 1734.

An Entry in a Book of the Company of Mercers, N°. 1. was read, and a Witness was examined, in order to prove the Qualification of another Person.

10. And an Entry in a Book of the Company of Hammermen was read, and a Witness was received, in order to prove the Qualification of another Person.

11. And in order to qualify another Person named in the said List, as being the eldest Son of a Freeman of the said City, an Entry in a Book of the Company of Stocking-makers, was read.

12. N. B. *This Election was determined* Martis, 25 die Martii, 1735, *but there were at that Time no Resolutions which explain the Rights of Election for that City.*

Wendover.

1. *Sabbati*, 21 *die Novembris*, 1702.

Resolved, That Persons coming by Certificate to live in the Borough of *Wendover*, have not thereby a Right to vote for the Election of Members to serve in Parliament for the said Borough.

Weobley.

1. *Jovis*, 3 *die Martii*, 1736.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Weobley*, in the County of *Hereford*, is in the Inhabitants of the ancient Vote-Houses of twenty shillings *per Annum* value and upwards, residing in the said Houses forty Days before the Day of Election, and paying

paying Scot and Lot, and alſo in the Owners of ſuch ancient Vote-Houſes paying Scot and Lot, who ſhall be reſident in ſuch Houſes at the Time of the Election.

Weſtbury.

1. *Martis*, 1 *die Decembris*, 1702.

Reſolved, That the Tenants of Burgage-Houſes, by Leaſe for Years abſolute, have a Right to vote in the Election of Members to ſerve in Parliament for the Borough of *Weſtbury*, in the County of *Wilts*.

2. *Lunæ*, 28 *die Martii*, 1715.

The Clerk of the Crown (according to Order) attended with the Returns for the County of *Wilts*.

The Sheriff's Precept directed to the Mayor of the Borough of *Weſtbury* in the ſaid County; the Receipt given by the ſaid Mayor for the ſame; and and the Return of *Willoughby Bertie* and *Francis Aneſley*, Eſqrs; by Indenture under the common Seal of the ſaid Borough, ſigned by the Mayor; and alſo,

The Return of *George Evans* and *Charles Allanſon*, Eſqrs; by Indenture under the Hands and Seals of *John Turner*, Conſtable of the ſaid Borough, and ſeveral other Burgeſſes, were ſeverally read.

Ordered, That the Clerk of the Crown do take off the File the ſaid Indenture, by which Mr. *Evans* and Mr. *Allanſon* are returned.

3. *Mercurii*, 1 *die Junii*, 1715.

Reſolved, That the Right of Election of Members to ſerve in Parliament for the Borough of *Weſtbury*, in the County of *Wilts*, is in every Tenant

nant of any Burgage-Tenement in Fee, for Life, or ninety-nine Years determinable on Lives, or by Copy of Court Roll, paying a Burgage Rent of Four-pence or Two-pence yearly, being Resident within the Borough, and not receiving Alms.

Westminster.

1. *Lunæ*, 15 *die Novembris*, 1680.

Resolved, That the King's menial Servants, not having proper Houses of their own within the City of *Westminster*, have not Right to give Voices in the Election of Citizens to serve in Parliament for the said City.

2. *Martis*, 15 *die Decembris*, 1741.

The House proceeded to the Hearing of the Matter of the Petition of the several Burgesses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed in behalf of themselves, and several other Burgesses and Inhabitants of the said City and Liberty, complaining of an undue Election and Return for the said City,

And the Counsel were called in,

And the Counsel were directed to withdraw.

The Counsel were again called in,

And the said Petition was read.

And the last Determination of the House concerning the Right of electing Citizens to serve in Parliament for the said City, made the fifteenth Day of *November*, One thousand six hundred and eighty, (when the House resolved, that the King's menial Servants, not having proper Houses of their own within the City of *Westminster*, have not a Right to give Voices in the Election of Citizens to serve in Parliament for the said City) was also read.

3. *Martis*,

3. *Martis*, 22 *die Decembris*, 1741.

Resolved, That Mr. *John Lever*, High Bailiff of the City of *Westminster*, at the last Election of Citizens to serve in Parliament for the said City, acted at the said Election in an illegal and arbitrary Manner, in prejudice of the Rights of the Electors of the said City, and in manifest Violation of the Freedom of Elections.

Ordered, That the said Mr. *John Lever* be for his said Offence taken into the Custody of the Serjeant at Arms attending this House.

Resolved, That it appears to this House, that a Body of armed Soldiers, headed by Officers, did on *Friday* the eighth Day of *May*, last, come in a military Manner, and take Possession of the Churchyard of St. *Paul's*, *Covent Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended.

Resolved, That the presence of a regular Body of armed Soldiers, at an Election of Members to serve in Parliament, is an high Infringement of the Liberties of the Subject, a manifest Violation of the Freedom of Elections, and an open Defiance of the Laws and Constitution of this Kingdom.

Ordered, That *Nathaniel Blackerby*, Esq; do attend this House upon *Friday* the twenty-second Day of *January* next.

Ordered, That *George Howard*, Esq; do attend this House upon *Friday* the said twenty-second Day of *January*.

Ordered, That *Thomas Lediard*, Esq; do attend this House upon *Friday* the said twenty-second Day of *January*.

4. *Veneris*,

4. *Veneris*, 22 *die Januarii*, 1741.

Major General *Foliott* (attending according to order) was called in and examined, and produced a Letter received by him on the eighth Day of *May* laſt, ſigned with the Names of *Nathaniel Blackerby*, *George Howard*, and *T. Lediard*, and alſo another Letter, received by him the ſame Day, ſigned with the ſame Names, and the Names of Three other Perſons.

And then he withdrew.

And ſeveral Witneſſes having been examined, in order to prove the Hand-writing of *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, Eſqrs;

And being withdrawn,

The ſaid firſt mentioned Letter was read.

Then the ſaid *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, Eſqrs; (attending according to order) were called in, and having ſeverally confeſſed that they ſigned the ſaid Letter, and having expreſſed their concern for their Offence therein;

They withdrew, and the ſeveral Reſolutions of the Houſe of the twenty-ſecond Day of *December* laſt, in relation to the Body of armed Soldiers, headed by Officers, coming on the ſaid eighth Day of *May* laſt, in a Military Manner, and taking Poſſeſſion of the Church-yard of St. *Paul*, *Covent Garden*, near the Place where the Poll (for the Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*) was taken, before the ſaid Election was ended, being read,

Ordered, That the ſaid *Nathaniel Blackerby*, *George Howard* and *Thomas Lediard*, having been called in, and at the Bar of this Houſe confeſſed, that they did ſend for, and cauſe to come on *Friday* the

the eighth Day of *May* laſt, a Body of armed Soldiers, headed by Officers in a Military Manner, who did take Poſſeſſion of the Church-yard of St. *Paul*, *Covent Garden*, near the Place where the Poll (for the Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*) was taken, before the ſaid Election was ended, and the ſaid *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, having acknowledged their Offence therein, do attend this Houſe to-morrow Morning, in order to be brought to the Bar thereof, to be reprimanded on their Knees by Mr. *Speaker* for the ſaid Offence.

5. *Sabbati*, 23 *die Januarii*, 1741.

Nathaniel Blackerby, *George Howard*, and *Thomas Lediard*, Eſqrs; attending according to Order, were brought to the Bar, and upon their Knees reprimanded by Mr. *Speaker*, as the Houſe had directed, and were ordered to be diſcharged, paying their Fees.

Reſolved, That the Thanks of this Houſe be given to Mr. *Speaker*, for the Speech by him made upon reprimanding the ſaid *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, and that he be deſired to print the ſame.

22 *die Januarii*, 1749.

6. Notice being taken, that no Return had yet been made for the Writ, for electing of a Citizen to ſerve in this preſent Parliament for the City of *Weſtminſter*, in the Room of the Right Honourable *Grenville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, (who, ſince his Election for the ſaid City, had accepted the Office of one of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*) although the ſaid

Writ

Writ was ordered upon the ſixteenth Day of *November* laſt, to be made out.

The Order made upon the ſixteenth Day of *November* laſt, for Mr. *Speaker* to iſſue his Warrant to the Clerk of the Crown for making out the ſaid Writ, was read.

Ordered, That the Clerk of the Crown do attend this Houſe to-morrow Morning, to give an account of the iſſuing of the ſaid Writ.

Ordered, That Mr. *John Crawfure*, Purſuivant or Meſſenger extraordinary attending the Great Seal, do attend this Houſe to-morrow Morning, to give an account of the ſending of the ſaid Writ to the Sheriff of the County of *Middleſex*.

Ordered, That the Under-ſheriff of the County of *Middleſex*, do attend this Houſe to-morrow Morning, to give an account of the iſſuing of a Precept to the High Bailiff of the City of *Weſtminſter*, in purſuance of the ſaid Writ.

Ordered, That the High Bailiff of the City of *Weſtminſter*, do attend this Houſe to-morrow Morning, to give an Account of the Execution of the ſaid Precept.

23 *die Februarii*, 1749.

7. The Deputy-clerk of the Crown (attending according to Order) gave the Houſe an Account of the iſſuing of the Writ for the electing of a Citizen to ſerve in Parliament for the City of *Weſtminſter*, in the Room of the Right Honourable *Grenville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, (who, ſince his Election for the ſaid City, had accepted the Office of one of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*) which Writ was directed upon the ſixteenth Day of *November* laſt, to be made out.

Mr.

Mr. *John Crawford*, Purſuivant, or Meſſenger extraordinary attending the Great Seal, attending according to order, was called in, and at the Bar examined, touching the ſending of the ſaid Writ to the Sheriff of *Middleſex*,

And then withdrew.

The Under-ſheriff of the County of *Middleſex* attending according to order, was called in, and at the Bar examined, touching the iſſuing of a Precept in purſuance of the ſaid Writ.

And then he withdrew.

The High Bailiff of the City of *Weſtminſter* attending according to order, was called, and being examined at the Bar, acquainted the Houſe that he is now in the Execution of the ſaid Precept, that he had all along endeavoured to avoid all unneceſſary Delay therein; and that, if ſome Delay has happened in the Scrutiny of the Poll (taken at the Election) which he is now proceeding upon, it has been ſuch only as he did not think he had ſufficient Power to prevent or remove.

And then he withdrew.

He was again called in,

And Mr. *Speaker* (by Direction of the Houſe) recommended ſome Particulars of his Duty to him, and acquainted him, that if he met with any Thing to obſtruct him therein, which he could not prevent, he ſhould apply to the Houſe upon it, and might be aſſured of the Support of the Houſe in the Diſcharge of his Duty; and that the Houſe expected he would take care in general to expedite the Election as much as poſſible.

Upon which he expreſſed his great readineſs to conform himſelf to the Direction of the Houſe, and ſaid, that he would uſe his beſt Endeavours to expedite the Election, and hoped to perform his Duty in general, to the Satisfaction of the Houſe.

And then he withdrew.

20 *die Januarii*, 1750.

8. A Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed, on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, was preſented to the Houſe, and read, complaining of an undue Election and Return for the ſaid City of *Weſtminſter*.

Ordered, That the Matter of the ſaid Petition be heard at the Bar of this Houſe upon to-morrow Sevennight, the fifth Day of *February* next.

A Petition of Sir *George Vandeput*, Baronet, was alſo preſented to the Houſe, and read, complaining of an undue Election and Return for the City of *Weſtminſter*.

Ordered, That the Matter of this Petition be heard at the Bar of this Houſe, at the ſame Time that the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of of *Weſtminſter*, whoſe Names are thereunto ſubſcribed on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, is appointed to be heard.

The Houſe was moved, That the Journal of the Houſe of the twenty-ſecond and twenty-third of *February* laſt, containing the Entry of the Proceedings of the Houſe in relation to the Execution of the Writ which was ordered to be iſſued upon the ſixteenth Day of *November*, One thouſand ſeven hundred and forty-nine, for the electing of a Citizen to ſerve in this preſent Parliament, for the City of *Weſtminſter*, in the Room of the Right Honourable *Granville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, might be read;

And the ſame being read accordingly,

Ordered,

Ordered, That *Peter Leigh*, Esq; High-bailiff of the City of *Westminster*, do attend this House immediately, in order to give the House an Account of what he did in pursuance of the Directions given to him by this House upon the twenty-third Day of *February* last, in relation to the Execution of the Precept, issued to him in pursuance of the said Writ.

Peter Leigh, Esq; High Bailiff of the City of *Westminster*, attending (according to order) was called in, and examined in relation to what he did in pursuance of the said Directions.

And having, in the Course of his Examination, alledged, that the said Election was protracted by an affected Delay,

He was directed to withdraw.

Resolved, That the High-bailiff of the City of *Westminster*, be again called in, and asked, by whom it was, that the said Election was protracted, and by what Means.

The High-bailiff of the City of *Westminster*, was again called in, and being asked, by whom it was that the said Election was protracted, and by what Means.

He named Mr. *Crowle*.

And having, in the Course of his further Examination, complained of ill Treatment offered to him by several Persons upon account of his Behaviour in relation to the said Election and Return.

He was again directed to withdraw.

He was again called in, and being required to name the Persons from whom he received the ill Treatment of which he had complained.

He named Mr. *Alexander Murray*, and Mr. —— *Gibson*.

And then he again withdrew.

Ordered, That *Richard Crowle*, Esq; do attend this House upon *Thursday* Morning next.

Ordered, That the honourable *Alexander Murray*, Esq; do attend this House upon *Thursday* Morning next.

Ordered, That —— *Gibson*, Upholder in *Covent-Garden*, do attend this House upon *Thursday* Morning next.

Ordered, That the High-bailiff of the City of *Westminster*, do attend this House upon *Thursday* Morning next, to make good his Charge against the said several Persons by him named in the Complaint, which he has this Day made to the House, in regard to the Obstruction he met with in the Execution of his Office.

31 *die Januarii*, 1750.

9. The several Orders of the Day for the Attendance of *Richard Crowle*, Esq; the honourable *Alexander Murray*, Esq; —— *Gibson*, Upholder in *Covent Garden*, and the High-bailiff of the City of *Westminster*, being read.

The High-bailiff of the City of *Westminster* was called in, and acquainted, that he might now proceed to make good his Charge against the several Persons by him named, to the House on *Monday* last.

And *Richard Crowle*, Esq; one of the said Persons, was called in.

And the High-bailiff proceeded to state his Charge against the said Mr. *Crowle*;

And Mr. *Crowle* was heard to the said Charge.

And the High-bailiff having been heard to what had been alledged by Mr. *Crowle*, they were both directed to withdraw.

Resolved, That the High-bailiff of the City *Westminster*, be again called in, and directed to produce his Evidence upon his Charge against *Richard Crowle*, Esq;

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The High-bailiff and Mr. *Crowle* were again called in.

And the High-bailiff examined ſeveral Witneſſes in ſupport of the ſaid Charge.

And Mr. *Crowle* was heard, and examined a Witneſs in anſwer to the ſaid Charge.

And the High-bailiff was heard by way of Reply;

And then they were directed to withdraw.

Reſolved, That it appears to this Houſe that *Richard Crowle*, Eſq; during the late Scrutiny of the Poll, for the City of *Weſtminſter*, after he had full Notice of the Orders of this Houſe given to the High-bailiff of the ſaid City to expedite the ſaid Scrutiny, did wilfully and deſignedly protract the ſame; and when he was reminded of the ſaid Orders by the High-bailiff, did publicly avow and declare he had done ſo, and did utter diſreſpectful Words in Contempt of the Authority of this Houſe.

Ordered, That the ſaid Mr. *Crowle* be now brought to the Bar of this Houſe, and be upon his knees reprimanded by Mr. *Speaker*, and diſcharged, paying his Fees.

Ordered, That the further Conſideration of the Charge made by the High-bailiff of the City of *Weſtminſter*, be adjourned till to-morrow Morning.

1 *die Februarii*, 1750.

10. The Houſe (according to Order) reſumed the adjourned Conſideration of the Charge made to the Houſe upon *Monday* laſt by the High-bailiff of the City of *Weſtminſter*.

And the High-bailiff was called in, and directed to proceed to make good the reſt of his Charge;

And then he was directed to withdraw.

He was again called in

And the honourable *Alexander Murray*, Esq; one of the Persons named in the said Charge, was also called in.

And the High-bailiff proceeded to state his Charge against the said Mr. *Murray*.

And Mr. *Murray* having been heard to the said Charge, and having denied the same, and desiring to make his Defence thereto by Counsel.

They were both directed to withdraw.

The House was moved, that Part of an Act made in the twentieth Year of his present Majesty's Reign, intitled, *An Act for allowing Persons impeached of High Treason, whereby any Corruption of Blood may be made, or for misprision of such Treason, to make their full Defence by Counsel*, might be read;

And the same was read accordingly.

Mr. *Murray* was again called in;

And being asked, whether his Counsel were ready to proceed, he acquainted the House that he had sent for them; that he was ready himself, but did not know, whether they would be ready to proceed this Day,

And then he was again directed to withdraw.

Ordered, That Mr. *Murray* be admitted to be heard at the Bar of this House by his Counsel, upon the Matter of the Charge made against him by the High-bailiff of the City of *Westminster*.

Ordered, That the High-bailiff of the City of *Westminster*, be admitted to be heard by Counsel, in support of the Charge, if he thinks fit.

Ordered, That the said Mr. *Murray* be taken into the Custody of the Serjeant at Arms attending this House; and that when he shall be in such Custody, the Serjeant at Arms attending this House do take such Bail for the said Mr. *Murray*, as shall be approved by Mr. *Speaker*, for the said Mr. *Murray's*

ray's Attendances upon this Houſe, from Time to Time, as often as he ſhall be required thereunto.

Ordered, That the further Conſideration of that Part of the ſaid Charge, which relates to the ſaid Mr. *Murray*, be adjourned till *Wedneſday* Morning next.

Ordered, That the Charge made by the High-bailiff of the City of *Weſtminſter*, againſt the ſaid Mr. *Murray*, be by him put into Writing, and delivered to the Clerk of this Houſe; and that a Copy of the ſaid Charge be delivered to the ſaid Mr. *Murray*.

The High-bailiff was again called in.

And *John Gibſon*, another of the Perſons named in the Charge made to the Houſe upon *Monday* laſt, by the ſaid High-bailiff, was alſo called in.

The High-bailiff proceeded to ſtate his Charge againſt the ſaid Mr. *Gibſon*.

And Mr. *Gibſon* having been heard to the ſaid Charge, and having denied the ſame;

The High-bailiff examined ſeveral Witneſſes in ſupport of the former Part of the ſaid Charge.

And having called another Witneſs,

The High-bailiff, Mr. *Gibſon*, and the ſaid Witneſs were directed to withdraw.

The High-bailiff and Mr. *Gibſon* were again called in.

And the High-bailiff having acquainted the Houſe, that he had called the ſaid Witneſs in ſupport of the latter Part of his ſaid Charge.

The High-bailiff and Mr. *Gibſon* were again directed to withdraw.

They were again called in,

And the High-bailiff was directed to confine himſelf to the former Part of the ſaid Charge.

And he having acquainted the ſaid Houſe, that he had gone through his Evidence in ſupport of that Part of the ſaid Charge.

Mr. *Gibſon* was heard, and examined ſeveral Witneſſes in Anſwer to the ſaid Charge.

And having referred to a Member of the Houſe, as having been preſent at the Time mentioned in the Charge.

The ſaid Member did in his Place inform the Houſe of what he knew concerning the Matter of the ſaid Charge.

And Mr. *Gibſon* having gone through his Evidence, referring to a Member of the Houſe, as having been preſent at the Time mentioned in the Charge.

The ſaid Member did in his Place inform the Houſe of what he knew concerning the Matter of the ſaid Charge.

And then the High-bailiff and Mr. *Gibſon* were directed to withdraw.

And ſeveral Members did in their Places inform the Houſe of what they knew concerning the Matter of the ſaid Charge.

The Houſe was moved, that the Entry of the former Part of the ſaid Charge by the High-bailiff againſt the ſaid Mr. *Gibſon*, might be read;

And the ſame was read accordingly.

Reſolved, That it appears to this Houſe, that the ſaid Mr. *John Gibſon* is guilty of an high Contempt of the Authority and Privileges of this Houſe, by reflecting on the Proceedings of this Houſe, and of the Legiſlature.

Ordered, That the ſaid *John Gibſon* be, for his ſaid Offence, committed Priſoner to his Majeſty's Gaol of *Newgate*, and that Mr. *Speaker* do iſſue his Warrant accordingly.

4 *die Februarii*, 1750.

11. Mr. *Speaker* acquainted the Houſe, that the Serjeant at Arms attending this Houſe, had informed

formed him, that, in purſuance of the Order of this Houſe of *Friday* laſt, he had taken into his Cuſtody the Right Honourable *Alexander Murray*, Eſq; and when in his Cuſtody had taken Bail for the ſaid Mr. *Murray*'s attendance upon this Houſe, from time to time, as often as he ſhould be required thereunto; and that the ſaid Mr. *Murray* was now upon ſuch Bail.

Mr. *Speaker* further acquainted the Houſe, that the ſaid Bail was ſuch as had been approved of by him, as the ſaid Order directed.

Ordered, That the ſaid Mr. *Murray* do attend this Houſe upon *Wedneſday* Morning next.

Ordered, That the Order made upon *Monday* the twenty-eighth of *January* laſt, for hearing to-morrow Morning, at the Bar of this Houſe, the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, complaining of an undue Election and Return for the City of *Weſtminſter*, be now read;

And the ſame being read accordingly.

Ordered, That the ſaid Order be diſcharged.

Ordered, That the Order made upon *Monday*, the twenty-eighth of *January* laſt, for hearing at the Bar of this Houſe, the Matter of the Petition of Sir *George Vandeput*, Bart. complaining of an undue Election and Return for the City of *Weſtminſter*, at the ſame Time, the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed, on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, was appointed to be heard, be now read;

And the ſame being read accordingly.

Ordered,

Ordered, That the ſaid Order be diſcharged.

Ordered, That the Matters of the ſaid Petitions be heard at the Bar of this Houſe, upon *Thurſday* Morning next.

6 die Februarii, 1750.

12. The other Order of the Day being read,

The Houſe reſumed the adjourned Conſideration of that Part of the Charge made to the Houſe by the High-bailiff of the City of *Weſtminſter*, which relates to the Honourable *Alexander Murray*, Eſq;

And the High-bailiff and the Counſel for Mr. *Murray* were called in;

And the Charge of the High-bailiff againſt the ſaid Mr. *Murray* was read.

The High-bailiff examined one Witneſs in ſupport of the ſaid Charge.

And then the High-bailiff, the Counſel, and the ſaid Witneſs were directed to withdraw.

The High-bailiff and the Counſel were again called in.

And the High-bailiff examined ſeveral other Witneſſes in ſupport of the ſaid Charge.

And having gone through his Evidence;

The Counſel for Mr. *Murray* were heard, and examined ſeveral Witneſſes in anſwer to the ſaid Charge.

And the High-bailiff was heard by Way of Reply;

And the ſaid Mr. *Murray* was heard at the Bar;

And then the High-bailiff, Mr. *Murray*, and the Counſel, were directed to withdraw.

Reſolved, That it appears to this Houſe, that the honourable *Alexander Murray*, Eſq; on the fifteenth Day of *May* laſt, being the Day of Return of a Member to ſerve in Parliament for the City of

of *Westminster*, attended by a Mob, did, before the Return was made, come to the House of Mr. *Baldwin*, the Deputy High-bailiff of the said City, and then and there declared, in a menacing and insulting Manner, that he and a thousand more had sworn, that the High-bailiff should make his Return in the Middle of *Covent-Garden*, and not in the Portico; that he was a Fool he had not ordered the Iron Rails before the Portico to be cut down the Night before; that he had advised with Counsel, that if he had done it, and had not taken the Rails away, it would have been only a Trespass; and that for One hundred or One hundred and fifty Pounds, they might have been made good again; and that had it not been to humour some faint-hearted Fellows, it would have been done, or Words to that Effect; and that the said *Alexander Murray*, immediately after the Return was made, appeared in *Covent-Garden* Church-yard, while the returning Officer was in the Vestry, near the Place where the Return was made, at the Head of a Mob, who appeared to be on the Part of Sir *George Vandeput*, and did then utter Words exciting and inflaming the said Multitude, to assault and murder the returning Officer; and that afterwards, as the returning Officer was going away, the said *Alexander Murray*, persevering in his wicked Purposes, did, at the Head of the said Mob, again incite them to Acts of Violence, saying with Imprecations, *Will nobody knock the Dog down? Will nobody kill the Dog?* or Words to that Effect.

A Motion was made, and the Question being proposed, that the said *Alexander Murray*, for his said dangerous and seditious Practices, in Violation and Contempt of the Authority and Privileges of this House, and of the Freedom of Elections, be committed close Prisoner to his Majesty's Goal of *Newgate*.

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The Houſe was moved, that the Journal of the Houſe of the Twenty-third of *February*, One thouſand ſeven hundred and forty-one, in relation to the Proceedings of the Houſe, for the Puniſhment of *William Middleton*, Eſq; might be read;

And the ſame was read accordingly.

Reſolved, That the ſaid *Alexander Murray* be, for, his ſaid dangerous and ſeditious Practices, in Violation and Contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections, committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, and Mr. Speaker do iſſue his Warrant accordingly.

Reſolved, That the ſaid *Alexander Murray* be now brought to the Bar of this Houſe, to receive his Sentence there, upon his Knees.

He was brought in accordingly, and by Mr. Speaker directed to kneel.

And he having refuſed to be upon his Knees, as required by the ſaid Reſolution;

And being withdrawn,

Reſolved, That it having been reſolved by this Houſe, that the ſaid *Alexander Murray* ſhould receive upon his Knees, at the Bar of this Houſe, the ſaid Sentence of this Houſe againſt him; and he having in a moſt inſolent audacious Manner, at the Bar of this Houſe, abſolutely refuſed to be upon his Knees, as required by the ſaid Reſolution, is guilty of a high and moſt dangerous Contempt of the Authority and Privilege of this Houſe.

Ordered, That the ſaid *Alexander Murray* be committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, in order to his forth coming, to abide ſuch Orders as ſhall be made by this Houſe, in relation to the ſaid Contempt.

Ordered, That the ſaid *Alexander Murray* (while in the ſaid Goal by Virtue of the ſaid Order) be not allowed the Uſe of Pen, Ink, or Paper; and

that no Perſon be admitted to have acceſs unto him, without the Leave of this Houſe.

Ordered, That a Committee be appointed to conſider, and report to the Houſe, what Methods may be proper to be taken by the Houſe, in relation to the ſaid Contempt.

And a Committee was appointed accordingly; and they are to withdraw immediately into the Speaker's Chamber; and they have Power to ſend for Perſons, Papers, and Records.

Ordered, That the ſaid Committee have Power to ſit, notwithſtanding any Adjournment of the Houſe.

8 die Februarii, 1750.

13. *Ordered*, That the Lord *Elibank* have leave to reſort to his Brother the honourable *Alexander Murray*, Eſq; now a Priſoner in his Majeſty's Goal of *Newgate*, committed to the ſaid Goal by an Order of this Houſe.

The Houſe being informed, that a Perſon from the Keeper of *Newgate* attended at the Door, he was called in, and at the Bar acquainted the Houſe, that the ſaid Mr. *Murray* lies ill, and deſires that a Phyſician and an Apothecary may have Leave to reſort to him; and that the Name of the Apothecary is *Cooke*, and the Name of the Phyſician he did not know, but had ſent to enquire;

And then he withdrew.

The Houſe being informed, that the Phyſician deſired by the ſaid Mr. *Murray*, to attend him, was Doctor *Lamond*;

Ordered, That the ſaid Doctor *Lamond*, and the ſaid Mr. *Cooke*, have leave to reſort to the ſaid Mr. *Murray* in the ſaid Goal.

The Houſe was moved, that the Order made upon *Monday* laſt, the Fourth Day of *February*, for hearing

hearing Yesterday at the Bar of this House, the Matters of the Petition of the several Burgesses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed, on Behalf of themselves, and several other Burgesses and Inhabitants of the said City and Liberty, and of the Petition of Sir *George Vandeput*, Bart. severally complaining of an undue Election and Return for the City of *Westminster*, might be read.

And the same being read accordingly.

Ordered, That the Matter of the said Petitions be heard at the Bar of this House upon *Tuesday* Morning next.

12 *die Februarii*, 1750.

14. *Ordered*, That the several Burgesses and Inhabitants of the City and Liberty of *Westminster*, who petitioned this House on Behalf of themselves, and several other Burgesses and Inhabitants of the City and Liberty, complaining of an undue Election and Return for the City of *Westminster*, be at Liberty to withdraw their Petition.

Ordered, That the Order made for hearing at the Bar of this House the Matter of the said Petition, be discharged.

Ordered, That Sir *George Vandeput*, Bart. be at Liberty to withdraw his Petition, complaining of an undue Election and Return for the said City.

Ordered, That the Order made for hearing at the Bar of this House the Matter of the said Petition be discharged.

14 *die Februarii*, 1750.

15. Sir *William Younge*, from the Committee who were appointed to consider, and report to the House, what Methods may be proper to be taken by

by the Houſe, in relation to the Contempt of the Honourable *Alexander Murray*, Eſq; who being in purſuance of a Reſolution of this Houſe, brought to the Bar of this Houſe, to receive his Sentence there upon his Knees, and who being by Mr. Speaker directed to kneel, refuſed to be upon his Knees, as required by the ſaid Reſolution, acquainted the Houſe, that the Committee have directed him to make a Report when the Houſe will pleaſe to receive the ſame.

Ordered, That the Report be received upon *Monday* Morning next.

A Petition of *John Gibſon*, now Priſoner in *Newgate*, was preſented to the Houſe and read, expreſſing his Sorrow for having incurred the Diſpleaſure of the Houſe, giving the ſtrongeſt and moſt ſolemn Aſſurances of his never giving the leaſt Offence for the future, and praying to be diſcharged from his Confinement.

Ordered, That the ſaid *John Gibſon*, committed Priſoner by this Houſe to his Majeſty's Goal of *Newgate*, on the Firſt of this Inſtant *February*, be brought to the Bar of this Houſe To-morrow Morning, in order to his being diſcharged; and that Mr. Speaker do iſſue his Warrant accordingly.

15 *die Februarii*, 1750.

16. *John Gibſon* was (according to Order) brought to the Bar, where he, upon his Knees, received a Reprimand from Mr. Speaker, and was ordered to be diſcharged out of Cuſtody, paying his Fees.

25 *die Februarii*, 1750.

17. The Orders of the Day, for the Attendance of Dr. *Lamond*, and Mr. *Cooke* the Apothecary, who were admitted to viſit Mr. *Murray*, now a Priſoner in

in his Majesty's Goal of *Newgate*, committed to the said Goal by an Order of this House, being read.

Dr. *Lamond* was called in, and at the Bar gave an Account of the State of the Health of Mr. *Murray*, during the Time he had attended him in the said Goal;

And then he withdrew.

Resolved, That no Person, allowed by this House to resort to the said Mr. *Murray* in his Majesty's Goal of *Newgate*, have, without fresh Leave of this House, any further Access to the said Mr. *Murray*, while in the said Goal, by Virtue of an Order of this House, made upon the Sixth Day of this Instant *February*, except his Physician Dr. *Lamond*, and his Apothecary Mr. *Cooke*, and also the Nurse, who has been by this House, allowed to be with him in the said Prison.

2 *die Aprilis*, 1751.

18. The House being informed, that Dr. *Lamond*, who was admitted to resort to Mr. *Murray*, now a Prisoner in his Majesty's Goal of *Newgate*, committed to the said Goal by an Order of this House, was attending at the Door, and was desirous of giving the House some Information relating to the said Mr. *Murray*.

Dr. *Lamond* was called in, and at the Bar acquainted the House, that he had this Day attended the said Mr. *Murray*; that he apprehended him to have the Goal Distemper coming upon him, and that he left him so extremely ill, that, if he be not immediately removed from the Place of his present Confinement, there would be no possibility of saving him;

And then he withdrew.

Ordered, That the said Mr. *Murray*, committed by this House close Prisoner to his Majesty's Goal of

of *Newgate*, in order to his forth coming, to abide ſuch Orders as ſhould be made by this Houſe, in relation to the high and moſt dangerous Contempt of the Authority and Privilege of this Houſe, committed by the ſaid Mr. *Murray*, upon *Wedneſday* the Sixth Day of *February* laſt, be diſcharged from his ſaid Confinement there, and delivered over into the Cuſtody of the Serjeant at Arms attending this Houſe, in order to his the ſaid Mr. *Murray*'s forth coming, to abide ſuch Orders as ſhall be made by this Houſe, in relation to the ſaid Contempt, and that Mr. Speaker do iſſue his Warrants accordingly.

Ordered, That a Phyſician to be appointed by Mr. Speaker, do attend the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, in order to give Satisfaction to the Houſe, from Time to Time, in relation to the State of the ſaid Mr. *Murray*'s Health, and that Mr. Speaker do iſſue his Writs accordingly.

Ordered, That no other Perſon be admitted to reſort to the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, except ſuch other Perſon or Perſons as Mr. Speaker ſhall from Time to Time think fit to authoriſe by his Warrant ſo to do, upon proper Application to be made to Mr. Speaker for that Purpoſe, and that Mr. Speaker be impowered to iſſue his Warrants accordingly.

Ordered, That the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, be not allowed the Uſe of Pen, Ink, or Paper, otherwiſe than as Mr. Speaker ſhall from Time to Time think fit by his Warrant to authoriſe the ſame, and that Mr. Speaker be impowered to iſſue his Warrants accordingly.

3 die Aprilis, 1751.

19. Mr. Speaker informed the Houſe, that the Deputy of the Serjeant at Arms attending this Houſe, had ſomething to communicate to the Houſe, relating to the Execution of the Orders Yeſterday made, for removing Mr. *Murray* from his Majeſty's Goal of *Newgate*, into the Cuſtody of the Serjeant at Arms;

And the ſaid Deputy-ſerjeant being called upon, acquainted the Houſe, that he did Yeſterday communicate to the Keeper of the ſaid Goal, Mr. Speaker's Warrant for removing the ſaid Mr. *Murray*, and that being thereupon admitted to the ſaid Mr. *Murray*, he, the ſaid Deputy-ſerjeant, did acquaint him with the Orders of the Houſe for his Removal; but that his Phyſician Dr. *Lamond* being preſent, and giving it as his Opinion, that it might be very improper to remove the ſaid Mr. *Murray* that Night, and that it would be more adviſeable to defer ſuch Removal till the next Morning, he, the ſaid Deputy-ſerjeant acquieſced therein, and accordingly did this Morning, together with Dr. *Lamond*, again attend the ſaid Mr. *Murray*, and told him, that he, the ſaid Deputy-ſerjeant, was ready to execute the ſaid Warrants; but that the ſaid Mr. *Murray* then ſaid, that he thought ſuch Removal would be of little or no Service to him; and that as the Application to the Houſe was without his Knowledge, he choſe, if it could be permitted, to remain where he was; and that he alſo requeſted the ſaid Deputy-ſerjeant to inform the Houſe, that he was extremely thankful for the Favour intended him; and that the ſaid Dr. *Lamond* likewiſe thought, that as his Fever had left him ſooner than he apprehended, it was the beſt Way not to remove him, as nothing but Air and Exerciſe could be of real Service to him.

And

And the ſaid Deputy-ſerjeant being further examined, alſo acquainted the Houſe, that he had found, from his Converſation with the ſaid Mr. *Murray*, that he had been informed of the Steps which had been taken for the ſaid Application to the Houſe; and that the ſaid Mr. *Murray* expreſſed great Uneaſineſs thereupon, and uſed ſome Words of Reſentment towards one of his Relations, on Account of ſuch Application being made; ſaying, *It was a mean Thing in him to apply to the Houſe, without his, the ſaid Mr.* Murray's *Conſent*.

The Houſe was moved, that the Minutes of the Information given by Dr. *Lamond* Yeſterday at the Bar of this Houſe, and of his Examination conſequent thereupon, might be read;

And the ſame were read accordingly.

And the Houſe being informed, that the ſaid Dr. *Lamond* was attending at the Door, he was called in, and being examined at the Bar, gave the Houſe an Account in what Condition he found the ſaid Mr. *Murray* laſt Night, with his Reaſons for thinking it improper to have Mr. *Murray* removed at that Time; and alſo acquainted the Houſe, that the ſaid Mr. *Murray* does not deſire to be removed out of *Newgate*, unleſs he could have the Benefit of Air and Exerciſe, and was diſſatisfied with the Application which had been made to this Houſe; and that he, the ſaid Doctor, does not now perceive any Symptoms of the ſaid Mr. *Murray*'s having the Goal Diſtemper, but thinks him much better than he was Yeſterday, although far from being well;

And then he withdrew.

Ordered, That the Orders made Yeſterday for removing the ſaid Mr. *Murray* from his Majeſty's Goal of *Newgate*, into the Cuſtody of the Serjeant at Arms attending this Houſe, and the ſeveral Or-

ders ſubſequent thereupon, relating to the ſaid Mr. *Murray*, be revoked.

Ordered, That the ſaid Mr. *Murray* do remain in the ſame Cuſtody he was in, with the ſame Orders in relation to him as were ſubſiſting Yeſterday, before the ſame revoked Orders were made.

20 *dei Novembris*, 1751.

20. The Houſe was moved, that the ſeveral Reſolutions and Orders of the Houſe relating to the Honourable *Alexander Murray*, Eſq; made upon the Sixth Day of *February* laſt, and contained in the Journals of the Houſe of the laſt Seſſions of Parliament, might be read accordingly.

A Motion being made, and the Queſtion being propoſed, That the Honourable *Alexander Murray*, Eſq; who, on the Sixth of *February*, laſt Seſſion of Parliament, was for dangerous and ſeditious Practices, in violation and contempt of the Authority and Priveleges of this Houſe, and of the Freedom of Elections, ordered by this Houſe to be committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, and was alſo at the ſame Time ordered by this Houſe, to be brought to the Bar thereof, to receive his ſaid Sentence there upon his knees; and before the ſaid Sentence by him received, did, by a high and moſt dangerous Contempt in him of the Authority and Privilege of this Houſe, and by perſiſting in the ſame, avoid the Execution of the ſaid Sentence, during the Remainder of the ſaid Seſſion of Parliament, be now committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, for the ſaid dangerous and ſeditious Practices, in violation and contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections.

A Motion was made, and the Queſtion being put, That the Houſe do now adjourn;

It

It paſſed in the Negative.

Then the Queſtion being put, That the honourable *Alexander Murray*, Eſq; who, on the Sixth Day of *February*, in the laſt Seſſion of Parliament, was, for dangerous and ſeditious Practices, in violation and contempt in him of the Authority and Privilege of this Houſe, and by perſiſting in the ſame, avoid the Execution of the ſaid Sentence, during the Remainder of the ſaid Seſſion of Parliment, be now committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, for the ſaid dangerous and ſeditious Practices, in violation and contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections.

It was reſolved in the Affirmative.

Ordered, That Mr. Speaker do iſſue his Warrants accordingly.

Reſolved, That the ſaid *Alexander Murray* do receive the ſaid Sentence, for his now being committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, at the Bar of this Houſe upon his Knees.

Ordered, That the Serjeant at Arms attending this Houſe, do take the ſaid *Alexander Murray* into his Cuſtody, in order to his being brought to the Bar of this Houſe, to receive the ſaid Sentence.

25 dei Novembris, 1751.

21. The Serjeant at Arms attending this Houſe, being called upon to give an Account of what had been done in Execution of the Order of the Houſe of *Wedneſday* laſt, for taking into his Cuſtody the honourable *Alexander Murray*, Eſq; the Deputy of the ſaid Serjeant at Arms, to whom the ſaid Order was delivered, acquainted the Houſe, that diligent ſearch had been made after the ſaid Mr. *Murray*, but that he could not be found.

Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to issue his Royal Proclamation, for apprehending the said *Alexander Murray*, with a Promise of a Reward for the same.

Ordered, That the said Address be presented to Majesty by such Members of this House, as are of his Majesty's most Honourable Privy Council.

Weymouth and Melcombe Regis.

Jovis, 3 die Junii, 1714.

1. Mr. *Medlicott*, (according to Order) reported, *&c.* the Election for the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, and the Resolutions of the Committee thereupon, *&c.* are as follow, *viz.*

Resolved, That it is the Opinion of this Committee, that those Persons who had no Right of voting in the Election of Members to serve in Parliament for the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, at *Lady-day*, One thousand seven hundred and ten, and not claiming by Purchase for a valuable Consideration, or by Will, or by Descent, since that Time, had a Right to vote in the last Election of Members to serve in Parliament for the said Borough.

2. *Resolved*, That it appearing to this Committee, that divers scandalous and illegal Practices have been lately carried on in the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, to multiply Votes in order to the last Election of Members to serve in Parliament, it is the Opinion of this Committee, that all such Persons whose Votes were not admitted at the Determination of the

the laſt conteſted Election in Parliament, for the ſaid Borough, and who have not acquired a Right by Deſcent or Deviſe ſince that Time, had a Right of voting in the laſt Election of Members to ſerve in Parliament for the ſaid Borough.

3. *Reſolved*, That it is the Opinion of this Committee, that no Freeholders of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, made ſince the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough, in *April*, One thouſand ſeven hundred and eleven, unleſs claiming by Deviſe or Deſcent, had any Right of voting in the laſt Election of Members to ſerve in Parliament for the ſaid Borough.

4. *Reſolved*, That it is the Opinion of this Committee, that all Conveyances to ſplit and divide the Intereſt in any Houſes or Lands in the Borough of *Weymouth* and *Melcombe Regis*, among ſeveral Perſons, in order to multiply Voices at the Election of Members to ſerve in Parliament for the ſaid Borough, are illegal and void.

Here follow ſeven other Reſolutions, who are, *and who* are not duly elected, *&c. for*, N.B. *this Borough ſends four Members, it having been two Boroughs formerly.*

The firſt and ſecond Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, diſagreed unto by the Houſe.

The Reſt of the ſaid Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

Whitchurch.

1. *Martis*, 21 *die Decembris*, 1708.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Whitchurch*, in the County of *Southampton*, is in the Freeholders only of Lands or Tenements, in Right of themselves, or their Wives, not split since the Act of the seventh and eighth Years of the Reign of King *William*.

Wilton.

1. *Sabbati*, 28 *die Novembris*, 1702.

Resolved, That the Election of any Person to be a Burgess of *Wilton*, in the County of *Wilts*, who has not taken the Sacrament of the Lord's Supper, according to the Rights of the Church of *England*, within one Year before such Election, is a void Election.

Winchelsea.

1. *Jovis*, 7 *die Februarii*, 1711.

Resolved, That the Freemen of the Port of *Winchelsea*, are not obliged to qualify themselves by receiving the Sacrament according to the Corporation-Act.

New-Windsor.

1. *Jovis*, 4 *die Novembris*, 1680.

Resolved, That in the Borough of *New-Windsor*, those Inhabitants only who pay Scot and Lot, have Right

Right to vote in the Election of Burgesses to serve in Parliament for the said Borough.

2. *Sabbati*, 17 *die Maii*, 1690.

Resolved, as the Opinion of the Committee, That the Right of electing Burgesses to serve in Parliament for the Borough of *New-Windsor*, is in the Mayor, Bailiffs, and select Number of Burgesses only.

The Question being put, that the House do agree with the Committee in the said Resolution,

It passed in the Negative.

3. *Sabbati*, 5 *die Aprilis*, 1697.

Resolved, That the Mayor, Bailiffs, and Burgesses of *New-Windsor*, have not the Right of electing Members to serve in Parliament for the said Borough.

4. *Resolved*, That the Borough of *New-Windsor* hath a Right to send Burgesses to Parliament by by Prescription.

5. *Resolved*, That all the Inhabitants of the said Borough have the Right of electing Members to serve in Parliament for the said Borough.

6. *Jovis*, 23 *die Maii*, 1737.

On a Hearing for New-Windsor.

The standing Order made on the sixteenth of *January*, One thousand seven hundred and thirty-five, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination of the House of Commons, was read. And

7. The last Determination of the House concerning the Right of electing Burgesses to serve in Parliament

Parliament for the ſaid Borough, made the fourth Day of *November*, One thouſand ſix hundred and eighty, which was then reſolved to be in thoſe Inhabitants only who pay Scot and Lot, was alſo read.

Witneſſes. See Evidence.

1. *Mercurii*, 12 *die Martis*, 1700.

Reſolved, That it appears that Mr. *Lawton* is guilty of tampering with Witneſſes, and endeavouring to ſuppreſs the Evidence to be given concerning the corrupting the Electors for the ſaid Borough (*Bramber* in *Suſſex.*)

Ordered into Cuſtody for the ſaid Offence.

2. *Jovis*, 13 *die Martii*, 1700.

Reſolved, That *Samuel Sheppard*, ſenior, Eſq; is guilty of ſending out of the way a Witneſs, and endeavouring to ſuppreſs the Evidence touching Matters under the Examination of this Houſe.

3. *Jovis*, 28 *die Aprilis*, 1715.

At the further hearing the Merits of the Election for the Borough of *Shaftesbury*, in the County of *Dorſet*, —— the Counſel for the Petitioners proceeded to give Evidence touching the corrupting of Votes for the ſitting Member; and alſo touching ſuch Perſons as had a Right to vote, but were refuſed to be admitted for the Petitioners.

After which the ſitting Member's Counſel proceeded to call Witneſſes, to juſtify the Voters objected againſt by the Petitioner's Counſel.

And *Edward Grimſted*, ſenior, being called in to prove the Qualification of *Richard Hayter* (who had

been objected against by the Petitioner's Counsel) to vote at the said Election.

And the Petitioner's Counsel objecting against his being examined as a Witness, in regard that the said *Edward Grimsted* was charged, by the Petisioner's Evidence, with having endeavoured to corrupt some Persons to vote for the sitting Members, the Counsel on both sides were heard, touching the said Objection;

And then he withdrew.

Resolved, That the Counsel for the sitting Members be admitted to examine *Edward Grimsted*, senior, as to *Richard Hayter*'s being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*.

4. *Robert Brickle*, being called to prove the Qualification of *Abraham Buckland* (who had been objected against by the Petitioner's Counsel to vote at the said Election; and the said *Robert Brickle* being objected against by the Petitioner's Counsel, in regard that he had been charged by the Petitioner's Evidence with having endeavoured to suborn a Person to give false Evidence to this House; the Counsel, *&c.*

And a Motion being made, and the Question being put, that the Counsel for the sitting Members, be admitted to examine *Robert Brickle* as to *Abraham Buckland*'s being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*.

It passed in the Negative.

5. *Martis*, 24 *die Maii*, 1715.

The House (according to order) proceeded to the further hearing the Merits of the Election for the Borough of *Hertford*: And one *Thomas Webb* being offered to be examined as a Witness, the sitting Member's

Member's Counſel objected againſt his being examined, for that he was charged by the ſitting Member's Evidence to have endeavoured to procure a Vote for the Petitioners by Corruption, at the laſt Election, and had reflected on the Juſtice of this Houſe.

Reſolved, That the Petitioners Counſel be admitted to examine *Thomas Webb*, in relation to *John Bowles*'s being an Inhabitant of the Borough of *Hertford*, at the Time of his being made Free.

6. *Jovis*, 2 *die Junii*, 1715.

The Houſe proceeded to the further hearing the Merits of the Election for the Borough of *Newcaſtle Under-line*, and the Counſel, *&c.*

And one *Ralph Mare* being offered as a Witneſs to prove the diſtributing Wheat, and Money inſtead thereof, to the Burgeſſes,

The Petitioners Counſel objected againſt his being examined as a Witneſs, for that he was charged by the Petitioners Evidence with having confeſſed he had thirty Shillings to come up to be a Witneſs.

Reſolved, That the ſitting Member's Counſel be admitted to examine *Ralph Mare* as a Witneſs, touching Wheat being diſtributed at the Borough of *Newcaſtle Under-line*.

7. The Petitioner's Counſel replied, and called one *Samuel Lowe* to be examined as a Witneſs touching a Declaration made by the Petitioner Mr. *Offley*, before her late Majeſty's Death, of his Intention to diſtribute Wheat, and the ſitting Member's Council objected againſt his being examined as a Witneſs, he being charged by the ſitting Member's Evidence to have diſtributed the ſaid Wheat.

Reſolved,

Resolved, That the Counsel for the Petitioners be admitted to examine *Samuel Lowe*, in relation to the Wheat distributed at the Borough of *Newcastle Under-line*.

Woodstock.

1. *Martis*, 16 *die Martii*, 1713.

Resolved, That the Right of electing Members to serve in Parliament for the Borough of *New-Woodstock*, in the County of *Oxon*, is in the Mayor, Aldermen, and Freemen of the said Borough.

Wotton-Basset.

1. *Jovis*, 2 *die Decembris*, 1742.

The House being informed that the Petition of *Nicholas Robinson*, Esq; complaining of an undue Election and Return for the Borough of *Wotton-Basset*, in the County of *Wilts*, presented to the House on *Tuesday* last, and referred to the Consideration of the Committee of Privileges and Elections, is not signed by the Petitioner.

Ordered, That it be an Instruction of the said Committee, that, before they proceed on the said Petition, they do examine into the Manner of signing the same, and make report thereof to the House.

2. *Veneris*, 10 *die Decembris*, 1742.

Ordered, That *Nicholas Robinson*, Esq; be at liberty to withdraw his Petition complaining of an undue Election and Return for the Borough of *Wotton-Basset*, in the County of *Wilts*.

Ordered, That the Committee of Privileges and Elections, be discharged from Proceeding upon the Matter of the said Petition.

Ordered,

Ordered, That the ſaid Commitee be diſcharged from examining into the Matter of ſigning the ſaid Petition.

Worceſter.

11 *die Februarii*, 1747.

1. *Reſolved*, That the Right of Election for the City of *Worceſter*, is in the Citizens of the ſaid City, not receiving Alms, and admitted to their Freedom by Birth or Servitude, or by Redemption, in order to Trade within the ſaid City.

Yarmouth, in the Iſle of Wight.

1. *Jovis*, 11 *die Aprilis*, 1717.

Reſolved, That the Bye-Law made the twenty-firſt of *September*, One thouſand ſix hundred and ſeventy, by the Mayor and five chief Burgeſſes of *Yarmouth*, in the *Iſle of Wight* (being the major Part of the chief Burgeſſes then exiſting) for electing free Burgeſſes, by the Mayor and five chief Burgeſſes, was a good Bye-Law.

York and Yorkſhire.

1. *Martis*, 9 *die Martii*, 1735.

Reſolved, That Perſons whoſe Freeholds lie within that Part of the County of the City of *York*, which is commonly called the *Aynſty*, have a Right to vote for Knights of the Shire for the County of *York*.

The

The following Votes are not ſtanding Orders, but of late Years have been voted at the beginning of every Seſſion.

1. *Ordered*, That a Committee of Privileges and Elections be appointed.

And a Committee was appointed accordingly.

And they are to meet upon this Day ſe'nnight, at five of the Clock in the Afternoon, in the Speaker's Chamber, and to ſit every *Wedneſday*, *Friday*, and *Monday*, in the Afternoon; and all that come are to have Voices; and they are to take into Conſideration all ſuch Matters as ſhall or may come in Queſtion, touching Returns, Elections and Privileges, and to proceed upon Double Returns, in the firſt Place, and to report their Proceedings, with their Opinions thereupon, to the Houſe, from time to time; and all Perſons that will queſtion any Returns, are to do it within fourteen Days next, and ſo within fourteen Days next after any new Return ſhall be brought in; and the Committee are to have power to ſend for Perſons, Papers, and Records, for their Information; and all Members who are returned for two or more Places, are to make their Election by this Day three Weeks, for which of the Places they will ſerve, provided there be no Queſtion upon the Return for that Place; and if any Thing ſhall come in Queſtion, touching the Return, Election, or Matter of Privilege of any Member, he is to withdraw during the Time the Matter is in Debate, and that all Members returned upon Double Returns do withdraw till their Returns are determined.

2. *Reſolved*, That no Peer of this Realm hath any Right to give his Vote in the Election of any Member to ſerve in Parliament.

3. *Reſolved*, That when the Houſe ſhall judge any Petition, touching Elections, to be frivolous and

and vexatious, the Houſe will order Satisfaction to be made to the Perſon petitioned againſt.

4. *Reſolved*, That if it ſhall appear that any Perſon hath procured himſelf to be elected or returned a Member of this Houſe, or endeavoured ſo to be, by Bribery, or any other corrupt Practices, this Houſe will proceed with the utmoſt ſeverity againſt ſuch Perſon.

5. *Reſolved*, That if it ſhall appear that any Perſon hath been tampering with any Witneſs in reſpect of his Evidence to be given to this Houſe, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any Perſon from appearing or giving Evidence, the ſame is declared to be a high Crime and Miſdemeanor, and this Houſe will proceed with the utmoſt Severity againſt ſuch Offender.

6. *Reſolved*, That if it ſhall appear that any Perſon hath given falſe Evidence in any Caſe before this Houſe, or any Committee thereof, this Houſe will proceed with the utmoſt ſeverity againſt ſuch Offender.

APPENDIX.

APPENDIX.

No. I.

Warrant for issuing Parliamentary Writs.

GEORGE the Third, by the Grace of *God* of *Great Britain*, *&c.* To our right trusty, and right well beloved *Charles* Lord *Camden*, Lord High Chancellor of our Kingdom of *Great Britain*, greeting, Whereas, we by the Advice of our Privy Council, for certain and urgent Causes concerning Us, the good Estate and Commonwealth of this our Realm, and of the Church of *England*, and for the good Order and Continuance of the same, have appointed and ordained a Parliament to be holden at our City of *Westminster*, the Day of next ensuing, in which Case diverse and sundry Writs are to be issued forth, under our Great Seal of *Great Britain*, as well for the Prelates, Bishops, and Nobility of this our Realm, as also for the Election of Knights, Citizens, and Burgesses of the several Counties, Cities,

and Boroughs, and Towns of the ſame, to be preſent at the ſaid Parliament at the Day and Place aforeſaid; whereupon We will, and command you forthwith, upon the Receipt hereof, and by Warrant of the ſame, to cauſe ſuch, and ſo many Writs to be made, and ſealed under our Great Seal, for the accompliſhing of the ſame, as in like Caſes hath been heretofore uſed and accuſtomed: and this Bill ſigned with our own Hand, ſhall be as well unto you, as to every ſuch Clerk and Clerks as ſhall make and paſs the ſame, a ſufficient Warrant or Diſcharge in that behalf given.

N°. II.

Writ of Summons.

George the Third, by the Grace of *God* of *Great Britain*, &c. to his moſt noble Couſin, *Hugh*, Duke of *Northumberland*, &c. greeting, in as much as by the Advice and Conſent of our Privy Council, We have ordained our Parliament to be held at our City of *Weſtminſter*, on the Day of next enſuing, by reaſon of ſome arduous and urgent Affairs concerning Us, the State, and Defence of our Kingdom of *Great Britain*, and Church of *England*, to have Conference and Treaty with you and the Prelates, Biſhops, and Peers of our ſaid Kingdom, We firmly injoin you, upon the Faith and Allegiance in which you are bound to Us, that taking into Conſideration the Weightineſs of the ſaid Affairs, and the eminent Dangers, laying aſide all Excuſe, you be perſonally preſent on the ſaid Day and Place, with Us, and the Prelates, Biſhops, and Peers aforeſaid, to treat and give your Advice on the ſaid Affairs, and this you are in no wiſe to omit, as you love Us, our Honour and Safety, and the Defence of the aforeſaid King-

dom

dom and Church, and the Dispatch of the aforesaid Affairs: Witness Ourself at *Westminster*, the Day of in the Year of our Reign.

N°. III.

The Form of the Oath of Allegiance appointed by stat. 1 W. & M. ch. 1. sect. 6.

I *A. B.* do sincerely promise and swear, that I will be faithful, and bear true Allegiance to their Majesties King *William* and Queen *Mary*.

So help me, God.

N°. IV.

The Form of the Oath of Supremacy appointed by the same stat. sect. 7.

I *A. B.* do swear, that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable Doctrine and Position, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me, God.

N°. V.

The Form of the Declaration or Test, appointed by ſtat. 30 ch. 2. ſtat. 2. ch. 1. ſect. 3.

I *A. B.* do ſolemnly and ſincerely, in the preſence of *God*, profeſs, teſtify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Tranſubſtantiation of the Elements of Bread and Wine, into the Body and Blood of *Chriſt*, at or after the Conſecration thereof by any Perſon whatſoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Rome*, are ſuperſtitious and idolatrous; and I do ſolemnly, in the preſence of *God*, profeſs, teſtify, and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by *Engliſh* Proteſtants, without any Evaſion, Equivocation, or mental Reſervation whatſoever, and without any Diſpenſation already granted me for this Purpoſe by the Pope, or any other Authority or Perſon whatſoever, or without any hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without thinking that I am or may be acquitted before *God* or Man, or abſolved of this Declaration, or any Part thereof, although the Pope or any other Perſon or Perſons, or Power whatſoever, ſhould diſpenſe with or annul the ſame, or declare that it was nul or void from the beginning.

N°. VI.

The Form of the Declaration of Fidelity, appointed to be made and subscribed by Quakers, by stat. 8 Geo. 2. ch. 6. sect. 1.

I *A. B.* do solemnly and sincerely promise and declare, That I will be true and faithful to King *George*, and do solemnly, sincerely, and truly profess, testify and declare, That I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare, that no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Preeminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

N°. VII.

The Form of the Abjuration, as altered by stat. 1. Geo. stat. 2. ch. 13. sect. 1. *to be taken after the Demise of the late Queen, and as the same is now to be taken.*

I *A.B.* do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before *God* and the World, That our Sovereign Lord King *George* is lawful and rightful King of this Realm, and all other his Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my Conscience, that the Person pretended to be Prince of *Wales* during

the Life of the late K. *James*, and ſince his Deceaſe, pretended to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuſe and abjure any Allegiance or Obedience to him. And I do ſwear that I will bear Faith and true Allegiance to his Majeſty King *George*, and him will defend to the utmoſt of my Power, againſt all traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt his Perſon, Crown, or Dignity. And I will do my utmoſt Endeavour to diſcloſe and make known to his Majeſty and his Succeſſors, all Treaſons and traiterous Conſpiracies which I ſhall know to be againſt him, or any of them. And I do faithfully promiſe to the utmoſt of my Power, to ſupport, maintain, and defend the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever; which Succeſſion, by an Act, intitled, *An Act for the further Limitation of the Crown and better ſecuring the Rights and Liberties of the Subject*, is and ſtands limitted to the Princeſs *Sophia*, Electreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants: and all theſe Things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs Words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame Words, without any Equivocation, mental Evaſion, or ſecret Reſervation whatſoever: and I do make this Recognition, Acknowledgement, Abjuration, Renunciation, and Promiſe, heartily, willingly, and truly, upon the true Faith of a Chriſtian. So help me God.

N°. VIII.

The Form in which the Effect of the Abjuration Oath is to be taken by Quakers, appointed by ſtat. 8. Geo. ch. 6. ſect. 1.

I *A. B.* do ſolemnly, ſincerely, and truly acknowledge, profeſs, teſtify, and declare, That King *George* is lawful and rightful King of this Realm, and of all other his Dominions and Countries thereunto belonging: and I do ſolemnly and ſincerely declare, That I do believe the Perſon pretending to be the Prince of *Wales*, during the Life of the late King *James*, and ſince his Deceaſe, pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, nor any other the Dominions thereunto belonging: and I do renounce and refuſe any Allegiance or Obedience to him: and I do ſolemnly promiſe, that I will be true and faithful, and bear true Allegiance to King *George*, and to him will be faithful againſt all traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt his Perſon, Crown or Dignity: and I will do my beſt endeavour to diſcloſe and make known to King *George*, and his Succeſſors, all Treaſons and traiterous Conſpiracies which I ſhall know to be againſt him or any of them: and I will be true and faithful to the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands ſettled by an Act, intitled, *An Act declaring the Rights and Liberties of the Subjects, and ſettling the Succeſſion of the Crown* to the late Queen

Anne, and the Heirs of her Body, being Proteſtants; and as the ſame, by one other Act, intitled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, is, and ſtands ſettled and intailed, after the Deceaſe of the ſaid late Queen, and for Default of Iſſue to the ſaid late Queen, to the late Princeſs *Sophia*, Electreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants: and all theſe Things I do plainly and ſincerely acknowledge, promiſe, and declare, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and underſtanding of the ſame Words, without any Equivocation, mental Evaſion or ſecret Reſervation whatſoever: and I do make this Recognition, Acknowledgment, Renunciation, and Promiſe, heartily, willingly and truly.

N°. IX.

The Form appointed by ſtat. 8 Geo. ch. 6. ſect. 1. *in which the Effect of the Freeholder's Oath is to be adminiſtered to Quakers.*

I *A. B.* do ſolemnly, ſincerely, and truly, declare and affirm.

N°. X.

The Liverymens Oath appointed by 11 Geo. ch. 18. ſect. 1.

You do ſwear that you are a Freeman of *London*, and a Liveryman of the Company of
and ſo have been for the Space of twelve Calendar Months; and that the Place of your Abode is at
in and that you have not polled at this Election:

So help you, God.

N°. XI.

The Elector's Oath to be taken by 2 Geo. 2. ch. 24. sect. 1.

I *A. B.* do swear *(or, being one of the People called* Quakers, *I* A. B. *do solemnly affirm)* I have not received, or had by myself, or any Person whatsoever in trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, Employment or Gift, in order to give my Vote at this Election; and that I have not before been polled at this Election.

N°. XII.

The Freeholders Oath, appointed by 18 Geo. 2. ch. 18. sect. 1.

You shall swear, *(or being one of the People called* Quakers, *you shall solemnly affirm)* That you are a Freeholder in the County of and have a Freehold-estate, consisting of *(specifying the Nature of such Freehold-estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold-estate consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if in Rents, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them)* lying or being at in the County of of the clear yearly Value of forty Shillings, over and

and above all Rents and * Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof, for your own Use, above twelve Kalendar Months, or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage-settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that such Freehold-estate has not been granted or made to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at
in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

N°. XIII.

The Freeholders Oath for Cities and Towns, appointed by 19 Geo. 2. ch. 28. sect. 1.

You shall swear, *(or being a* Quaker, *you shall solemnly affirm)* that you have a Freehold-estate, consisting of *(specifying the Nature of such Freehold-estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold-estate, consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them)* lying or being in the City and County, or Town and County (*as the*

* No public or parliamentary Tax, Church or Parish Rate, or any other Tax to be assessed upon any County or Division, shall be deemed any Charge payable out of any Freehold-estate within the Meaning of this Oath or Affirmation. Id. sect. 6.

same

ſame may be) of of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of, or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof, for your own Uſe, above twelve Kalendar Months; or that the ſame came to you within the Time aforeſaid, by Deſcent, Marriage, Marriage-ſettlement, Deviſe, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that ſuch Freehold-eſtate has not been granted or made to you fraudulently, on Purpoſe to qualify you to give your Vote; and that the Place of your Abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

N°. XIV.

Writ for new Election of one Citizen for the City of Weſtminſter.

George the Third, by the Grace of *God*, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* To our Sheriff of the County of M. greeting: Whereas Sir P. W. Knight, of the moſt Honourable Order of the Bath, was lately choſen one of the Citizens for the City of W. in your County, for our preſent Parliament, ſummoned to be holden at our City of *W.* the Day of in the Year of our Reign, and from thence by our ſeveral Writs prorogued to and until the Day of in the ſame Year, on which Day our ſaid Parliament was begun and held, and from thence by ſeveral Adjournments and Prorogations,

was

was adjourned and prorogued unto the Day of and there now holden: And whereas the ſaid Sir *P. W.* being ſo choſen a Citizen for the ſaid City as aforeſaid, is ſince dead, as by a Letter of our right truſty and well-beloved counſellor Sir *J. C.* Baronet, Speaker of our lower Houſe of Parliament, more fully and plainly appears, by Means whereof our Subjects of the ſaid City are deprived of one Citizen to treat for the Benefit of the ſame City in our ſaid Parliament; Nevertheleſs, We being unwilling that the Commonalty of our Kingdom in our ſaid Parliament aſſembled, to treat of Buſineſs concerning Us, the State, and Defence of our Kingdom and the Church, from the aforeſaid Cauſe ſhould be diminiſhed or leſſened, whereby thoſe Affairs may not have a due End, We command you, that in the Place of Sir *P. W.* within the City aforeſaid, one other fit and diſcreet Citizen of the aforeſaid City (Proclamation being firſt made of the Premiſes, and of the Day and Place) freely and indifferently, by thoſe who ſhall be preſent at the Proclamation, according to the Form of the Statute in that Caſe made and provided, you cauſe to be elected, and the Name of ſuch Citizen (whether at the ſaid Election he ſhall be preſent or abſent) to be inſerted in certain Indentures to be thereupon made between you and them, who ſhall be preſent at ſuch Election, and to cauſe him to come to the ſaid Parliament, ſo that the ſame Citizen ſo to be elected, may have full Power and ſufficient Authority, for himſelf and the Commonalty of the aforeſaid City, to do and conſent to thoſe Things which in our Parliament aforeſaid, by the Common-council of our Realm, (by the Bleſſing of God) ſhall happen to be ordained upon the aforeſaid Affairs; willing, nevertheleſs, that neither you nor any other Sheriff in this our Kingdom in anywiſe be elected, and

and the Election so made, distinctly and openly under your Seal, and the Seals of them who shall be present at such Election, certify unto us in our Chancery forthwith, remitting to Us one Part of the aforesaid Indentures annexed to these Presents, together with this Writ. Witness ourself at *Westminster*, the Day of in the Year of our Reign.

Yorke and *Yorke*.

Wrote upon the Label to the said Writ as following, *viz.*

To the Sheriff of the County of *M.* A Writ for a new Election of one Citizen for the City of *W.*

Yorke and *Yorke*.

The Execution of this Writ in certain Schedules hereunto annexed.

Sir *C. A.* Knight, and Sir *R. G.* Knight, } Sheriff.

N°. XV.

Precept from Sheriff of M. *to the Bailiff of* W. *for the Election of one Citizen for the said City.*

Middlesex, Sir *C. A.* Knight, and Sir *R. G.* Knight, Sheriffs of the said County, to the Bailiff of the Liberty of the Dean and Chapter of the collegiate Church of St. *Peter*, at *W.* in the said County, greeting. Know that I have received a certain Writ of our Lord the King to me directed, the Tenor whereof followeth, [here follows the Writ

Writ verbatim] and becauſe the Execution of the ſaid Writ belongs to you, therefore by virtue of the ſaid Writ, I require you, that you forthwith cauſe a Citizen to be elected for the ſaid City in the Place of the ſaid Sir *P. W.* according to the Command of the ſaid Writ; and how this my Warrant ſhall be executed you ſhall make known to me immediately after the ſaid Election made, ſo that I may certify the ſame, together with the ſaid Writ, and this Precept return to our Lord the King in his Chancery forthwith. Hereof fail not: This is your Warrant. Given under the Seal of my Office, dated the Day of One thouſand ſeven hundred and

C. A. and *R. G.* } Sheriff.

The Execution of this Precept appears in a certain Schedule here under annexed.

J. C. Eſq; Bailiff.

N°. XVI.

The Indenture of Election.

This *Indenture* made in the Liberty of *W.* in the County of *M.* the Day of in the Year of the Reign, *&c.* Between Sir *C. A.* Knight, and Sir *R. G.* Knight, Sheriff of the County of *M.* aforeſaid, of the one Part, and *J. C.* Eſq; Bailiff of the Liberty of the Dean and Chapter of the Collegeate Church of Saint *Peter's W.* in the County aforeſaid, Sir *J. C.* Baronet, Sir *R. G.* Baronet, Sir *C. D.* Knignt of the moſt honourable

nourable Order of the Bath, the Hon. *W. L. G. S. F. R.* Baronet, the Right Hon. *F. H.* commonly called Lord Viſcount *D. F. F.* and *N. H.* Eſqs; *F. F.* Eſq; Sir *W. I.* Baronet, *C. B.* Eſq; *J. G.* Eſq; and many other Citizens, Burgeſſes and Inhabitants of the City, Town and Borough of *W.* of the other Part, *witneſſeth*, That by Virtue of a certain Precept directed from the ſaid Sheriff to the Bailiff, and ſewed to this Indenture, (Proclamation of the Premiſes in ſaid Precept firſt mentioned, and of the Day and Place, as in the ſaid Precept is directed, firſt being made) the Citizens who were preſent at the ſaid Proclamation, have freely and indifferently, according to the Form of the Statute in that Caſe made and provided, and according to the Tenor and Effect of the aforeſaid Precept, and of the Writ in the ſaid Precept recited, choſen one Citizen of the moſt diſcreet and ſufficient of the City and Liberty aforeſaid (that is to ſay) the honourable *E. C.* Eſq; to which ſaid *E. C.* ſo elected, the aforeſaid Citizens have given and granted full and ſufficient Power for themſelves and the Commonalty of the City, Town, Borough, and Liberty aforeſaid, to do and conſent to thoſe Things, which at the ſaid Parliament by the Common Council of the ſaid Kingdom (with God's Aſſiſtance) ſhall happen to be ordained upon the Affairs in the ſaid Precept ſpecified, according to the Form and Effect of the ſaid Precept. In witneſs whereof, as well the ſaid Sheriff as the aforeſaid Bailiff, Citizens, Burgeſſes and Inhabitants of the City, Town, Borough and Liberty aforeſaid, to theſe Indentures their Seals have interchangeably put, the Day and Year firſt above-mentioned.

N°. XVII.

The Form of the Candidates Oath to be taken (if required) by ſtat. 9. An. ch. 5. ſect. 5.

I *A. B.* do ſwear, That I truly, and *bona fide*, have ſuch an Eſtate in Law or Equity, to and for my own Uſe and Benefit, of or in Lands, Tenements, or Hereditaments, (over and above what will ſatisfy and clear all Incumbrances that may affect the ſame) of the annual Value of Six hundred Pounds, above reprizes, as doth qualify me to be elected and returned to ſerve as a Member for the County of according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my ſaid Lands, Tenements or Hereditaments, are lying or being within the Pariſh, Townſhip, or Precinct of or in the ſeveral Pariſhes, Townſhips, or Precincts of in the County of or in the ſeveral Counties of (as the Caſe may be.)

The like Oath (*mutatis mutandis*) as to the Value of Three hundred Pounds, to be taken by Candidates for a City, Borough, *&c.*

N°. XVIII.

Oath of the Members, appointed to be taken by 33 Geo. 2. ch. 20. ſect. 1.

I *A. B.* do ſwear, That I truly, and *bona fide*, have ſuch an Eſtate in Law or Equity, and of ſuch Value, and to and for my own Uſe and Benefit, of or in Lands, Tenements, or Hereditaments, over and above what will ſatisfy and clear all Incumbrances

cumbrances that may affect the ſame, as doth qualify me to be elected and returned to ſerve as Member for the Place I am returned for, according to the Tenor and true Meaning of the Acts of Parliament in that Behalf; and that ſuch Lands, Tenements or Hereditaments, do lie as deſcribed in the Paper or Account ſigned by me, and now delivered to the Clerk of the Houſe of Commons.

So help me, God.

N°. XIX.

Account to be ſigned by every Member, by ſtat. 33. Geo. 2. ch. 20.

I *A. B.* of am really and *bona fide* ſeized of an Annuity or Rent Charge, for my own Uſe and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the ſame, wholly iſſuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of ſituate lying, and being in the Pariſh, Townſhip or Place, or in the Pariſhes, Townſhips or Places of *E.* in the County of without any Truſt, Agreement, Matter or Thing, to the contrary notwithſtanding; and *I*, or the Perſon or Perſons under whom *I* claim, was or were ſeized of the ſaid Annuity or Rent Charge, before the firſt Day of *June*, One thouſand ſeven hundred and ſixty-three.

N°. XX.

By the KING,

A PROCLAMATION*.

GEORGE R.

Whereas *James* Earl of *Moray*, and *John* Earl of *Hyndford*, were duly elected and returned to be two of the ſixteen Peers of *Scotland*, to ſit in the Houſe Peers, in the preſent Parliament of *Great Britain*, are ſince deceaſed; in order to the electing two other Peers of *Scotland*, to ſit in their Room, We do, by the Advice of our Privy Council, iſſue forth this Proclamation, ſtrictly charging and commanding all the Peers of *Scotland*, to aſſemble and meet at *Holy-rood-houſe* in *Edinburgh*, on *Thurſday* the firſt Day of *October* next, between the Hours of twelve and two in the Afternoon, to nominate and chooſe two other Peers of *Scotland*, to ſit and vote in the Houſe of Peers of this preſent Parliament of *Great Britain*, in the Room of the ſaid *James* Earl of *Moray*, and *John* Earl of *Hyndford*, deceaſed, by open Election and Plurality of Voices of the Peers that ſhall then be preſent, and of the Proxies, of ſuch as ſhall be abſent, (ſuch Proxies being Peers) and producing a Mandate in writing duly ſigned before Witneſſes, and both Conſtituent and Proxy being qualified according to Law. And the Lord Clerk Regiſter, or ſuch two of the Principle Clerks of the Seſſion as ſhall be appointed by him to officiate in his Name, are hereby reſpectively required to attend ſuch Meeting, and to adminiſter the Oaths required by Law to be taken

* This *mutatis mutandis* will do for the Proclamation on the Call of a new Parliament.

there

there by the ſaid Peers, and to take their Votes, and immediately after ſuch Election made, and duly examined, to certify the Names of the Peers ſo elected, and ſign and atteſt the ſame in the Preſence of the ſaid Peers the Electors; and to return ſuch Certificate into our High Court of *Chancery* of *Great Britain*. And We do ſtrictly charge and command, that this Proclamation be duly publiſhed at the Market Croſs of *Edinburgh*, and in all the County Towns in *Scotland*, twenty-five Days at leaſt before the Time hereby appointed for the Meeting of the ſaid Peers, to proceed on ſuch Election.

Given at our Court at *St. James's*, the fifth Day of *Auguſt*, One thouſand ſeven hundred and ſixty-ſeven, in the ſeventh Year of our Reign.

God ſave the KING.

N°. XXI.

The Formula *appointed by Act of Parliament, made* 8 *and* 9 Seſſ. W. 3. *in* Scotland.

I *A. B.* do ſincerely from my Heart profeſs and declare before God, who ſearcheth the Heart, that I do deny, diſown, and abhor theſe Tenets and Doctrines of the Papal Romiſh Church, *viz.* the Supremacy of the Pope and Biſhop of *Rome*, over all Paſtors of the Catholic Church, his Power and Authority over Kings, Princes, and States, and the Infalibility that he pretends to, either without or with a General Council, his Power of Diſpenſing and Pardoning, the Doctrine of Tranſubſtantiation, and the Corporal Preſence, with the Communion without the Cup in the Sacrament of the

Lord's Supper, the Adoration and Sacrifice professed and practised by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Crosses, and Relicts, the Doctrine of Supererrogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue: All which Tenets and Doctrines of the said Church, I believe to be contrary to, and inconsistent with, the written Word of God; and I do from my Heart deny, disown, and disclaim, the said Doctrines and Tenets of the Church of *Rome*, as in the Presence of God, without any Equivocation or mental Reservation, but according to the known and plain Meaning of the Words, as to me offered and proposed.

So help me, God.

N°. XXII.

The Freeholders Oath in Scotland, *appointed by* 7 Geo. 2. ch. 16. sect. 2.

I *A. B.* do in the Presence of God declare and swear, that the Lands and Estate of
for which I claim a Right to vote in the Election of a Member to serve in Parliament for this County or Stewartry, is actually in my Possession, and do really and truly belong to me, and is my own proper Estate, and is not conveyed to me in Trust, or for or in Behalf of any other Person whatsoever; and that neither I, nor any Person to my Knowledge, in my Name, or on my Account, or by my Allowance, hath given, or intends to give, any Promise, Obligation, Bond, Back-bond, or other Security whatsoever, other than appears from the Tenor and Contents of the Title, upon which I now

now claim a Right to vote, directly or indirectly, for re-disposing or re-conveying the said Lands and Estate in any manner of Way whatsoever, or for making the Rents or Profits thereof forth coming, to the Use or Benefit of the Person from whom I have acquired the said Estate, or any other Person whatsoever; and that my Title to the said Lands and Estate, is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a Member to serve in Parliament; but that the same is a true and real Estate in me, for my own Use and Benefit, and for the Use of no other Person whatsoever; and that it is the Truth as I shall answer to God.

N°. XXIII.

The Oath of the Electors for Towns in Scotland, *appointed by* 16 Geo. 2. ch. 11. sect. 34.

I *A. B.* do solemnly swear, that I have not directly or indirectly, by way of Loan, or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use or Benefit, or Advantage, or to the Use, Benefit, or Advantage of the City or Borough of which I am Magistrate, Counsellor, or Burgess, in order to give my Vote at the [illegible]

So help me, God.

N°. XXIV.

The Common-clerk's Oath in Scotland, *appointed by* 16 Geo. ch. 11. ſect. 35.

I *A. B.* do ſolemnly ſwear, That I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe, of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatſoever, either by myſelf or any other, to my Uſe, or Benefit, or Advantage, to make out any Commiſſion for a Commiſſioner for chooſing a Burgeſs; and that I will duly make out a Commiſſion to the Commiſſioner who ſhall be choſen by the Majority of the Town-council aſſembled, and to no other Perſon.

So help me, God.

N°. XXV.

Oath of the Clerk of the preſiding Borough in Scotland, *appointed by* 16 Geo. 2. ch. 11. ſect. 35.

I *A. B.* do ſolemnly ſwear, That I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe of any Sum or Sums of Money, Office, Place, Employment, or Gratuity, whatſoever, either by myſelf, or any other to my Uſe, Benefit, or Advantage, to make any Return at this Election of a Member to ſerve in Parliament; and that I will return to the Sheriff or Steward, the Perſon elected by

by the major Part of the Commiſſioners aſſembled, whoſe Commiſſions are authenticated by the Subſcription of the Common-clerk, and common Seal of the reſpective Boroughs of this Diſtrict.

So help me, God.

N°. XXVI.

Oath of the Clerk at Elections for Counties in Scotland, *appointed by* 16 Geo. 2. ch. 11. ſect. 37.

I *A. B.* do ſolemnly ſwear, that I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promiſe of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatſoever, by myſelf, or any other to my Uſe, Benefit, or Advantage, to take any Return at the preſent Election of a Member to ſerve in Parliament; and that I will return to the Sheriff or Steward the Perſon elected by the Majority of the Freeholders upon the Roll made up at this Election, and who ſhall be preſent and vote at this Meeting.

So help me, God.

N°. XXVII.

*The * Oath of the returning Officer, required to be taken by* 2 Geo. 2. c. 24. ſect. 3.

I *A. B.* do ſolemnly ſwear, that I have not, directly or indirectly, received any Sum or Sums of

* Repealed ſo far as it relates to the returning Officer in *Scotland*, 16 *Geo.* 2. *c.* 11. *ſect.* 38.

Money, Office, Place or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe or Gratuity whatſoever, either by myſelf, or any other Perſon to my Uſe, Benefit, or Advantage, for making any Return at the preſent Election of Members to ſerve in Parliament; and that I will return: Such Perſon or Perſons as ſhall, to the beſt of my Judgment, appear to me to have the Majority of legal Votes.

N°. XXVIII.

The Certificate to be entered on Oath by Freeholders, &c. with the Clerk of the Peace in purſuance of ſtat. 3 Geo. 3. ch. 24. ſect. 1.

I *A. B.* of am really and *bona fide* ſeized of an Annuity or Rent-charge, for my own Uſe and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the ſame, wholly iſſuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of ſituate, lying, and being in the Pariſh, Townſhip, or Place, or in the Pariſhes, Townſhips, or Places of *E*, in the County of without any Truſt, Agreement, Matter, or Thing, to the contrary, notwithſtanding; and I, or the Perſon or Perſons under whom I claim, was or were ſeized of the ſaid Annuity or Rent-charge, before the firſt Day of *June*, One thouſand ſeven hundred and ſixty-three.

N°.

N°. XXIX.

The Certificate to be entered on Oath by Freeholders, &c. with the Clerks of the Peace, in Purſuance of ſtat. 3 Geo. 3. ch. 24. ſect. 2.

I *A. B.* of am really and *bona fide* ſeized of an Annuity or Rent-charge, to my own Uſe and Benefit, of the clear yearly Value of forty Shillings a Year, above all Rents and Charges payable out of the ſame, wholly iſſuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of ſituate, lying and being in the Pariſh, Townſhip, or Place, or in the Pariſhes, Townſhips, or Places of in the County of without any Truſt, Agreement, Matter or Thing, to the contrary, notwithſtanding; and I became ſeized of the ſaid Annuity or Rent-charge on the Day of laſt paſt, by Deſcent or otherwiſe *(as the Caſe may happen.)*

N°. XXX.

The returning Officer's Oath, to be taken by 2 Geo. 2. ch. 24. ſect. 3.

I *A. B.* do ſolemnly ſwear, that I have not, directly nor indirectly, received any Sums or Sums of Money, Office, Place, or Employment, Gratuity or Reward, or any Bond, Bill or Note, or any Promiſe or Gratuity whatſoever, either by myſelf, or any other Perſon to my Uſe, or Benefit, or Advantage,

tage, for making any Return at the present Election of Members to serve in Parliament; and that I will Return such Person or Persons as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes.

N°. XXXI.

Form of the Lord Steward's Deputation.

William Earl *Talbot*, Lord Steward of his Majesty's Household, and one of his Majesty's most honourable Privy-council, to all to whom these Presents shall come, KNOW YE, That I the said Lord Steward, by Virtue of my said Office of Lord Steward, HAVE constituted, named, and appointed, AND by these Presents, DO constitute, name, and appoint, [about three Score and fifteen Noblemen and Gentlemen] or any Six, Five, Four, Three, Two, or One of them, my Deputy and Deputies, in my Place and Stead, to tender and administer the Oaths mentioned in a Statute made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, intitled, "An for removing and preventing all Doubts and Disputes concerning the assembling and sitting of this present Parliament," according to the Directions of the said Statute, and of all and every other Statute and Statutes, directing the taking the said Oaths before me, to all and every Person and Persons, who is, are, or shall be, elected or appointed a Knight, Citizen, Burgess, Baron of any of the five Ports, or Commissioners for the Shires or Burghs of the present Parliament, appointed to meet the Day

Day of and to take and receive the Oaths of all and every the ſaid Perſon and Perſons, who is, are or ſhall be elected or appointed a Knight, Citizen, Burgeſs, Baron of any of the five Ports, or Commiſſioners for the Shires or Burghs aforeſaid, for the ſaid Parliament; ALSO, to tender and adminiſter the Oath mentioned in a Statute made in the ſeventh Year of the Reign of his late Majeſty, (intituled, "An Act for the better regulating the Election of Members to ſerve in the Houſe of Commons, for that Part of *Great Britain* called *Scotland*, and for incapacitating the Judges of the Court of Seſſion, Court of Juſticiary, and Barons of the Court of *Exchequer* in *Scotland*, to be elected, or to ſit or Vote as Members of the Houſe of Commons,") according to the Directions of another Statute made in the ſixteenth Year of his his late Majeſty's Reign, directing the ſaid Oath to be taken before me, to all and every Perſon and Perſons, who is, are, or ſhall be choſen, a Member to ſerve in Parliament for any Shire or Stewartry, within that Part of *Great Britain*, called *Scotland*, and who was not, were not, or ſhall not, be preſent, at the Meeting of Election; AND to take and receive the Oath of all and every ſuch Perſon and Perſons, giving them, my ſaid Deputies, Six, Five, Four, Three, Two, or One of them, full Power and Authority to execute, and perform the Matters herein-before mentioned, RATIFYING and confirming all and whatſoever my Deputies or Deputy ſhall lawfully do and perform in this Behalf, in as ample, perfect, and full Manner, as if I myſelf had perſonally been preſent, and done the ſame; in Teſtimony whereof, I the ſaid Lord Steward have hereunto ſet my Hand and Seal, this Day of in the eighth Year of the Reign of, &c.

&c. and in the Year of our Lord One thouſand ſeven hundred and ſixty-eight.

Sealed and delivered (being firſt duly ſtamped) in the Preſence of

TALBOT L. S.

N. B. The Form to be met with in the printed Journals of the Houſe of Commons, we think is injudiciouſly drawn up, and have therefore preſumed to alter it in the above.

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